



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.7079 OF 2023

Swati Bhagwanrao Joshi,
Aged: 50 years, Occ: Service
as Assistant Teacher & Headmistress,
Bharatmata Vidyalaya, Phulambri,
Tq. Phulambri, Dist. Aurangabad,
R/o Phulambri, Tq. Phulambri,
Dist. Aurangabad.

..Petitioner

Versus

1. The State of Maharashtra,
Through Principal its Secretary to the
Government of Maharashtra in
School Education & Sports Department,
Maharashtra State,
Mantralaya, Mumbai – 32.
2. The Deputy Director of Education,
Aurangabad Division, Aurangabad.
3. The Education Officer (Secondary),
Zilla Parishad, Aurangabad.
4. Prabodhan Bahuvidh Sanstha,
Aurangabad, L.B.-31, Jijau Building,
Yadav Nagar, Near D-Mart,
N-11, HUDCO, Aurangabad,
Through its Secretary.
5. Yogesh S/o Shrikrushna Sambre,
Aged: Major, Occ: Service
as Assistant Teacher,
R/o Opp. Hanuman Temple, Jadhavwadi,
Aurangabad, Tq. & Dist. Aurangabad.
6. Prabodhan Bahuvidh Sanstha,
Aurangabad. PTR No.: F-3781
House no. 79, Raigad Nagar,
R-26, N-9 CIDCO, Aurangabad.
Through its President,
Padmakar Vinayak Ingale.

Age: 61 years, Occu.: Pensioner,
R/o. As above.

..Respondents

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Mr. N. P. Patil Jamalpurkar h/f Mr. A. D. Chapule, Advocate for the Petitioner.

Dr. Kalpalata B. Patil Bharaswadkar, AGP for Respondent Nos.1 to 3.

Mr. S. R. Shirsat, Advocate for Respondent No.4.

Mr. R. J. Godbole, Advocate for Respondent No.5.

Mr. C. K. Shinde, Advocate for Respondent No.6.

**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

RESERVED ON :- 02nd APRIL 2024.

PRONOUNCED ON :- 15th APRIL 2024.

ORDER (Per: S. G. Chapalgaonkar, J.):

1. The petitioner approaches this Court under Article 226 of the Constitution of India with following prayers:

“B. The respondent No.3 may please be directed to forthwith take necessary action for seizure of School records including that of Admission Register, School Leaving Certificate Register, Service-Books, Cheque-Books, Computer/Furniture, User IDs & Passwords of Bharatmata Vidyalyaya, Phulambri, Dist. Aurangabad from the respondent no.5 and handover the same to the petitioner to enable her to prepare & issue School Leaving Certificates/Transfer Certificates in respect of the students, those who have passed Secondary School Certificate Examination in academic year 2022-2023, by issuing writ of mandamus or any other writ, order or direction in the nature of mandamus.

C. The respondent no.3 may please be directed to forthwith consider the proposal dated 09.03.2023 and grant permanent approval to the appointment of the petitioner as Headmistress, Bharatmata Vidyalyaya, Phulambri, Tq. Phulambri, Dist. Aurangabad from the date of her appointment i.e. 01.03.2023, by issuing writ of mandamus or any other writ, order or direction in the nature of mandamus.”

2. We have decided the connected Writ Petition No.8161/2022 filed by Mr. Yogesh Shrikrushna Sambre-respondent no.5 and restored the order of approval to his appointment as

Headmaster passed by the Education Officer (Secondary), Zilla Parishad, Aurangabad. Consequently, the prayers in this petition cannot be considered for the reasons recorded by us in our judgment in Writ Petition No.8161/2022.

3. Resultantly, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

Devendra/April-2024