



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.10316 OF 2024**

Vijay S/o Bhimrao Baviskar
Age – 50 years, Occ. LIC agent,
R/o. Kurvel, Tq-Chopda,
Dist. Jalgaon.

..Petitioner

Versus

1. The State of Maharashtra,
(Through Secretary,
Ministry of Urban Development,
Mantralaya, Mumbai-32)
2. The Collector, Jalgaon
3. The Education Officer (Secondary),
Zilla Parishad, Jalgaon
4. The Chief Officer,
Municipal Council Chopda,
Dist. Jalgaon.

..Respondents

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Mr. B. R. Warma, Advocate for the Petitioner.
Mr. A. M. Phule, AGP for Respondent-State.

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.
DATED : 15th OCTOBER, 2024.**

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

1. The petitioner has approached this Court with following prayers:

“A) By issuing writ of Mandamus or appropriate orders or directions in the like nature, the R-3 and R-4 be directed to initiate legal and departmental action as per inquiry report dt. 21/1/2021 and letter dt. 21/1/2021 issued by the Divisional Secretary, Maharashtra State Secondary and Higher Secondary Examination Board against erred Headmaster, Shri. Deepak S/o Vishram Pawar, Kranti Jyoti Savitribai Phule Municipal High School, Chopda, Dist Jalgaon.

B) By issuing writ of Mandamus or appropriate orders or directions in the like nature, the R-1 and R-2 be directed to initiate departmental action against R-3 and 4 for willful non-compliance of inquiry report dt. 21/1/2021 and letter dt. 21/1/2021 issued by the Divisional Secretary, Maharashtra State Secondary and Higher Secondary Examination Board.”

2. Mr. Warma, learned Advocate appearing for petitioner submits that petitioner had raised grievance regarding illegal act of Headmaster of Kranti Jyoti Savitribai Phule Municipal High Shcool, Chopda, Dist. Jalgaon. Consequently, Maharashtra State Secondary and Higher Secondary Examination Board had constituted Committee for enquiry. The report of enquiry has been submitted on 12.01.2021 to the Board. As per report, Headmaster was found guilty of the charges i.e. irregularities in conduct of examination of 10th and 12th standard. The Education Officer vide communication dated 03.03.2021 had informed Chief Officer of Municipal Council, Chopda to take action against Headmaster. However, no action was taken except exchanging correspondence.

3. Mr. Deepak Vishram Pawar (Headmaster) had forwarded list of subject teachers for supervision of SCC examination in violation of guidelines. The petitioner made complaint dated 17.12.2020 to the Divisional Secretary of Maharashtra State Secondary and Higher Secondary Examination Board regarding misconduct of Headmaster. The petitioner made several representations to act on reports. However, no action is taken against respondent-Headmaster. He would, therefore, urge to direct respondent nos.3 and 4 to initiate legal and departmental action in pursuance to the report of enquiry dated 12.01.2021 against Headmaster Mr. Deepak Vishram Pawar.

4. Mr. Phule, learned AGP appearing for the respondent-State vehemently opposes the prayer in the petition.

5. We have considered submissions advanced on behalf of learned Advocates appearing for respective parties. Pertinently, the petitioner has approached this Court under Article 226 of the Constitution of India with aforesaid prayers. Admittedly, the petitioner is unconcerned with the Kranti Jyoti Savitribai Phule Municipal High School, Chopda, Dist. Jalgaon. He is a LIC agent and claims to be engaged in Journalism. We called upon Mr. Warma, learned Advocate appearing for the petitioner to satisfy this Court as regards to the *locus standi* of the petitioner. Except contention that initially petitioner had made complaint as regards to the misconduct of the Headmaster of the school, the petitioner has no concern with further enquiry and report dated 12.01.2021 submitted to the Examination Board. Pertinently, Mr. Deepak Vishram Pawar, Headmaster of School is not made party to this petition.

6. Although we are not convinced as to the locus of the petitioner to file this petition in private capacity, we have perused contents of the report of enquiry dated 12.01.2021 addressed by the Enquiry Committee to the Divisional Secretary, Maharashtra State Secondary and Higher Secondary Education Board, Nasik Division. The report observes some fault on the part of Mr. Deepak Vishram Pawar while forwarding list of invigilators, ignoring guidelines under Regulations of the Board. On the basis of aforesaid report, Education Officer, Zilla Parishad had addressed a communication to Chief Officer, Municipal Council to take action against Mr. Deepak Pawar in terms of Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (for short 'MEPS Rules,

1981'). However, Chief Officer of Municipal Council replied that it is not clear as to for which charge Disciplinary Enquiry to be conducted under provisions of MEPS Rules, 1981.

7. We find that although report of enquiry dated 12.01.2021 put some blame against Mr. Deepak Pawar in submitting list of invigilators, there is nothing to conduct any enquiry under the provision of MEPS Rules, 1981, which has no application to School run by local body like Municipal Council. In that view of the matter, even on merits we do not find any case to exercise extraordinary powers under Article 226 of the Constitution of India. Hence, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE