



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

Writ Petition No. 11434 Of 2017

1. Sayyed Danish Akhtar Mumtaz Ali
2. Sayyed Munsaf Ali Mansoor Ali
3. Farooqui Siraj Anwar Israruddin
4. Sayyed Barkatali Rafiquatali
5. Sayyed Mohammad Tanveer Jeelanimiyan
6. Farooqui Sohil Ahemad Nasiruddin
7. Sayyed Muzammil Asgher Ali
8. Shaikh Rizwan Shaikh Mukhtar Ahemad
9. Sayyed Rubina Kausar Mohammad Ali

...Petitioners

Versus

1. The State Of Maharashtra
Through Its Secretary
School Education Department,
Mantralaya, Mumbai-32.
2. The Deputy Director of Education,
Region Nashik, Dist. Nashik.
3. The Education Officer (Secondary),
Zilla Parishad, Jalgaon.
4. Anjumane-E-Urdu-E-Talim,
Marul, Tq. Yawal, Dist. Jalgaon,
Through its President/Secretary.
5. Anglo Urdu High School & Jr. College,
Marul, Tq. Yawal, Dist. Jalgaon.
Through Its Head Master.
6. Joint Charity Commissioner,
Khaja Nagari Road, Near Petrol Pump,
Tq. and Dist. Jalgaon.

...Respondents

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Advocate for Petitioner : Ms. Nayana Patil h/f Ms. S.P. Mahajan

AGP for Respondents/State : Mr. D.R. Korde
Advocate for Respondent No.4 : Mr. G.K. Kshirsagar
Advocate for Respondent No.4 : Mr. Quadri Taher Ali
Advocate for Respondent No.5 : Mr. S.P. Rathod

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 15 JULY 2024

PER COURT :

. We have heard both sides.

2. It appears that due to the dispute among the board of trustees in respect of control over the management of the respondent no.4/Educational Trust and Society, the proposals purportedly forwarded by the respondent no.5/Head Master for granting approval to the petitioners' appointments were returned by the Education Officer simply by pointing out the dispute in the management.

3. It appears that pursuant to the order of this Court dated 23.03.2023, noting down the aforementioned circumstances, the Education Officer/respondent no.3 was directed to submit a report, *inter alia* examining the aspect of teachers who were legitimately appointed and were pursuing the duties. It was also left open for him to make a statement if there was some confusion in expressing the views.

4. In the light of such directions, the respondent no.3/Education

Officer – Dr. Nitin Popatrao Bachhav, has filed affidavit on 17.01.2023 and has annexed a report Exhibit– R-1 dated 06.04.2023 submitted by a Committee constituted by him of his subordinate officers.

5. In fact, proposal forwarded by the respondent/Head Master was returned by the Education Officer only on the count of dispute in the management. This Court in the matter of Navnath S/o Narsing Gore Vs. State of Maharashtra and Others, Writ Petition No.6582/2016, had expressly held that the dispute among the management cannot be a reason for refusing to consider a proposal for grant of approval which have to be examined on its own merits. The impugned communication therefore would not be sustainable in law.

6. The writ petition is allowed partly. The impugned communication dated 08.08.2017 is quashed and set aside.

7. The respondent no.3/Education Officer shall consider the proposals forwarded by the Head Master for grant of approval to the petitioners' appointments on its own merits as expeditiously as possible and in any case within eight weeks.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]