

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1571 OF 2024

Shri Rajashri Shahu Chatrpati Shikshan
Prasarak Mandal and Ors.

...Petitioners

Versus

The State of Maharashtra through the
Secretary, School Education and Sports
Department, Mantralaya, Mumbai

...Respondents

.....

Mr. Prashant Bhavake, for Petitioners.

Mr. B.V. Samant, Addl. G.P. a/w. Ms. Nisha Mehra, AGP, for
Respondent Nos. 1 to 3.

Mr. Rushikesh Patil, for Intervenor Mr. Sanjay Govindrao Kalitake.

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**CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.**

DATE : 7 FEBRUARY 2024

P.C.:

. Heard learned counsel for the Parties.

2. The Intervention is sought on behalf of the Sanjay Govindrao Kalikate. A proposal submitted by the Management - Rajashri Shahu Chatrapati Shikshan Prasarak Mandal under the signatures of Bapuso Ramchandra Patil, President and Anil Rangrao Nale, Deputy Secretary, has been rejected by the impugned order dated 23 January

2024 by the Education Officer on the ground that there is an *inter se* dispute in the Management between these two and the Intervenor styling himself as Secretary and that in the order dated 12 January 2024 passed in Writ Petition Nos. 9198 of 2023 and 9228 of 2023, the Petitioner - Management is directed not to take any policy decision. According to the Education Officer, appointment of the Head of the School, transfers in the School would amount to the policy decisions. The learned counsel for the Petitioner sought to contend that these would not be policy decisions while Intervenor contends otherwise. As regards how these appointments and transfers would amount to policy change, nothing is stated therein.

3. In these circumstances, we are of the opinion that the impugned order passed by the Education Officer (Secondary), Kolhapur be treated as *prima facie* opinion, permitting the Petitioners to demonstrate, by relying on legal decisions and judicial pronouncements that the proposal for appointment of Head and transfers of the employees would not amount to policy change. Similarly, it is open to Intervenor to contend otherwise. Let the final decision be taken by the Education Officer within a period of 8 weeks after giving opportunity to the Petitioners and Intervenor.

4. As regards permitting the Head whose name has been proposed by the Petitioners to sign the salary bills etc. so that functioning is not affected, we direct the Education Officer to take necessary decision within a period of one week.

5. The learned AGP states that the order will be communicated to the Education Officer without waiting for a copy of the order.
6. Writ Petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)