

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5577 OF 2022

Siddheshwar Shikshan Sanstha & Ors.Petitioners
Vs.
State of Maharashtra & Ors.Respondents

WITH
INTERIM APPLICATION NO. 18418 OF 2022
IN
WRIT PETITION NO. 5577 OF 2022

Shri Siddheshwar Shikshan Sanstha
Through its Secretary, Tanaji Narayan Patil & Ors. Applicants
IN THE MATTER BETWEEN
Siddheshwar Shikshan Sanstha & Ors.Petitioners
Vs.
State of Maharashtra & Ors.Respondents

WITH
WRIT PETITION NO. 4375 OF 2023

Shri. Siddheshwar Shikshan Sanstha & AnrPetitioners
V/S
The State Of Maharashtra & OrsRespondents

Mr. Prashant Bhavake for the Petitioners in both the Petitions.
Mr. V. M. Mali, AGP for Respondent-State in both the Petitions
Mr. Narendra Bandiwadekar, Senior Advocate a/w. Ashwini
Bandiwadekar for Respondent No.4 in WP/5577/2022.

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

DATED : 29 FEBRUARY 2024

P.C.:

1. The Petitioners have filed this Petition seeking directions to the Respondent No. 3-Education Officer to grant approval to the promotion of the Petitioner No. 3 in the post of Head Master in the Respondent No. 2-Secondary School, submitted by the Petitioner No. 1-Education Institution. This is the simplistic prayer made in this Petition.

2. Subsequently, there has been a development whereby the Respondent No. 4 was permitted by the Education Officer to sign on the pay bills, proceeding on the basis that the Respondent No. 4 has been promoted by the Management. There appears to be a contest between the Petitioner No. 1-Trust and the Intervenor - Trust, which claims to be another Management. The Intervenor is supporting the cause of the Respondent No. 4.

3. It is not necessary for us to take a decision in this Writ Petition as to whether the approval to the promotion of the Petitioner No. 3 as stated by the Petitioner Nos. 1 and 2 to the post of Head of the school is valid and/or the Respondent No. 4 was rightly granted signing authority. The final decision, both as against the Petitioner No. 3 and the Respondent No. 4, is yet to be taken by the Education Officer.

4. In light of this position, we dispose of the Writ Petition, directing the Education Officer (Secondary) to take a decision as to the approval to the post of Head in the Petitioner No. 2-School within a period of 4 weeks from the date the parties i.e. the Petitioners, the Respondent No. 4

and intervernors appear before the Education Officer. They shall appear before the Education Officer on 5 March 2024. Thereafter, the Education Officer will take a decision, as above, after putting the parties to the notice against whom the order is proposed to be passed and proposed ground of rejection by giving an opportunity.

5. By the interim order passed in Writ Petition No. 5577 of 2022 by the Division Bench while issuing the notice on 4 May 2022 has permitted the Respondent No. 4 to forward the salary bills and this position has continued. The interim directions given by this Court in Writ Petition No. 5577 of 2022 to continue.

6. It is open for the parties to place on record before the Education Officer the documents and decisions of this Court, which they seek to rely upon.

7. Learned Counsel for the Petitioners in WP/4375/2023 states that there have been subsequent developments, which has given rise to this Writ Petition and they will be brought to the notice of Education Officer when the Education Officer will consider the issue of grant of approval and does not press this Petition.

8. With these observations both the Writ Petitions are disposed of. Interim Application is also disposed of.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)