

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6603 OF 2024

Shri Vasant Bhagoji Vhadage & Ors. ... Petitioners
versus
The State of Maharashtra & Ors. ... Respondents

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Mr.Prashant Bhavake for the Petitioners.

Mr.K.S.Thorat, 'B' Panel Counsel with Ms.Tejas J. Kapre, AGP for
the Respondent -State.

Mjr.Suresh Pakale, Senior Advocate with Mr. Nilesh Desai for the
Complainant.

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

DATE : 8 MAY 2024

P.C. :

. This petition is filed without joining the Complainant on whose complaint the impugned order came to be passed. The Complainant has sought to intervene in this petition. This petition could have been dismissed for non-joinder. It is at this stage that the learned Counsel for the Petitioners states that the Petitioners be permitted to join the Complainant as a party Respondent. Leave is granted. Amendment to be carried out forthwith.

2. By the impugned order dated 4 March 2024, Respondent No.3- the Education Officer has cancelled the individual approval granted by him to the promotion of Petitioner from the post of Assistant Teacher to the post of Head Master. The State Government has now established the Appellate Forum pursuant to the Government Resolution dated 27 March 2024. The Petitioners have also filed an appeal under the Government Resolution dated 27 March 2024. Power is also granted to the Appellate Forum to grant interim orders. The Petitioners have already applied for grant of stay in the appeal that is filed. The Petitioners' grievance is that the application for stay is not being taken. Application for stay is on record.

3. In the case at hand, we find that since the post of Head Master is vacant, the functioning of the institution/ school will be affected, if there is no certainty. Therefore, we direct the Appellate Forum to decide the application for stay, as filed by the Petitioners, within a period of fifteen days from the date order is placed before it.

4. Keeping all contentions of the parties open, we dispose of the writ petition.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)