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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1076 OF 2024**

Shree Gangoba Shikshan Prasarak Mandal
Panchkroshi, Ovaliye and Anr. Petitioners.

V/s

The State of Maharashtra
Through
School Education & Sport Department
and Ors. Respondents.

Mr Sarvajit B. Patil for the Petitioners.
Mr. N.C. Walimbe, Addl. G.P with Mrs. Priyanka B. Chavan, AGP for the
Respondents/State.

**CORAM: A.S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE: 12th MARCH, 2024

P.C.:-

1] The challenge raised in this Writ Petition is to the communication dated 20/12/2021 issued by the Education Officer (Secondary) Zilla Parishad, Sindhudurg to the Petitioner – Shri Gangoba Shikshan Prasarak Mandal through its Secretary. By the said communication it has been held that since the post of Headmaster at the Secondary School at Devsu, Taluka Sawantwadi, District Sindhudurg was not admissible, approval to the appointment of Petitioner No.2 as regular Headmaster cannot be granted. The reason indicated in the said

communication is that the strength of students was below 100 from academic years 2014-15 to 2018-19. The requirement of 100 students for approving the post of Headmaster was prescribed by Clause 2.5.2 of the Government Resolution dated 28/08/2015 and hence such approval could not be granted.

2] Having heard the learned Counsel for the Petitioners as well as the learned Additional Government Pleader for the Respondents and after perusing the documents on record as well as affidavit in reply filed by the Respondents, we find that no error was committed by the Education Officer (Secondary) while refusing to approve the post of Headmaster to Petitioner No.2 – School. As per Clause 2.5.2 it is only when strength of students exceeds 100 that the post of Headmaster becomes admissible. Since the strength of students at the Secondary School was less than 100 from 2014-15 which is after the part school was transferred to the Petitioner No.1 – Trust, we do not find that the impugned communication can be interfered with. It is also an admitted position that for all the relevant years approval was granted to the in-charge Headmaster on the ground that post of Headmaster was not admissible. It has not been shown as to how the requirements

of Resolution dated 28/8/2015 are not required to be satisfied. Since the approval has been refused on the ground that the post of Headmaster itself was not admissible, there is no case made out to interfere in writ jurisdiction.

3] The writ petition is dismissed with no order as to costs.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]