



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17308 OF 2024

Balasaheb C. Wayal

...Petitioner

Versus

The State Of Maharashtra

Through Principal Secretary And Ors.

...Respondents

...

Adv. Chetan G. Patil a/w Vishwesh Gadage for the Petitioner.

Adv. V. M. Mali, AGP for Respondent Nos. 1 & 2..

...

CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 2nd DECEMBER, 2024

Per Court :-

1. Considering the prayers and the pleadings as well as the fact conveyed to us that there are two factions amongst the members of the Trust, we are passing an order which would take care of the interest of all the litigating parties and especially the institution.

2. The Petitioner claims to be the senior most teacher in Respondent No. 5 school. A seniority list has been approved by the Education Officer and it is contended that the Petitioner is undisputedly

the senior most eligible teacher. Because of the dispute between two factions and their internal squabbles, Respondent No. 3 Education Officer, Secondary has temporarily approved the authority of the present Petitioner, only to the extent of signing of the salary bills and the payment towards the teaching, non teaching staff and statutory payments.

3. It is not anybody's interest that an institution should be headed by an in-charge Headmaster. So also, if there are internal squabbles amongst the factions of the Trustees, the Education Officer has to afford an opportunity of hearing to all the stake holders and finally settle upon the senior most eligible teacher to be appointed as the Headmaster/Headmistress as a case may be.

4. In view of the above, **this Writ Petition is disposed off** with a direction to Respondent No. 3 to issue notice for hearing to all the stake holders, verify and confirm as regards who is the senior most eligible teacher to be appointed as Headmaster. If any senior most teacher is not willing to accept the responsibility of Headmaster, such intent of disinclination shall be demanded by Respondent No. 3 in writing and only then, the next candidate may be considered. Once Respondent No. 3 concludes as to who is an eligible senior most teacher, he may proceed to

pass an appropriate order granting approval to such person for heading the institution as the Headmaster.

5. Let such exercise be completed within a period of 60 days from today. Until then, since the Petitioner is authorised to prepare and sign the salary bills and make such expenditure, the same arrangement shall be continued.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)