

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

WRIT PETITION NO. 17794 OF 2024

Sane Guruji Shikshan Prasarak Mandal & Ors. ... Petitioners

versus

The State of Maharashtra & Ors. ... Respondents

....

Mr.Prashant Bhavake for the Petitioners.

Mr.V.G.Badgujar, AGP for Respondent Nos. 1 to 3-State.

....

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

DATE : 11TH DECEMBER, 2024

P.C.:

1. Leave to correct the description of Respondent No.2.

Correction be carried out forthwith.

2. The issue is as regards the appointment of a Headmaster to Acharya Narendra Dev Vidya Mandir, Bhoo, Taluka Rajapur, District Ratnagiri. Petitioner No.3 is presently the officiating Headmaster and Petitioner No.1 Management has recommended him for the post of Headmaster.

3. The proposal for approval has been rejected by the impugned order dated 9th September, 2024 by Respondent No.3, only on the ground that the latest P.T.R. has not been placed on record. It is stated that there are internal squabbles amongst the trustees.

4. We do not find any reason for the Education Officer to look towards the infighting amongst the trustees. What is required to be seen is, as per the Rules, as to whether the recommendation made is of the senior most teacher, whether such teacher is eligible, meaning thereby whether he has not been convicted in any offence or whether he has not been punished for a any misconduct. Pending complaint is not a ground. Thirdly, whether there is one such eligible senior most teacher who has declined in writing and whether the next senior most teacher is eligible to be appointed.

5. In view of the above, **this Writ Petition is partly allowed.**

6. The impugned order dated 9th September, 2024 is quashed and set aside. The proposal dated 31st August, 2024 is restored to the file of Respondent No.3. As noted above, the Education Officer would follow the Rules and consider the above stated eventualities and scrutinize as to whether Petitioner No.3 is the senior most eligible

teacher or whether anybody senior to him has declined in writing or whether such a candidate is available. Let the decision be taken on its merits within a period of 60 days from today.

(ASHWIN D. BHOBE,J.)

(RAVINDRA V. GHUGE, J.)