

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2284 OF 2024

Shikshan Prasarak Mandal Tembhurni
Through Its President, And Ors. ...Petitioners

Versus

State Of Maharashtra And Ors. ...Respondents

Mr. Rahul S. Kadam, for Petitioners.
Mr. V.M. Mali, AGP for State/Respondent.
Mr. Narendra V. Bandiwadekar, Senior Advocate a/w. Mr. Vinayak
Kumbhar i/b. Ashwini Bandiwadekar, for Respondent No. 4.

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

DATE : 22 FEBRUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Contention of the Petitioners is that the basis for denying the post of Head of the school to the Petitioner is because of an order passed in favour of Respondent No. 4 by the Deputy Director of the Education on 13 April 2018. According to the Petitioners, this order passed by the Deputy Director amounts to a review of the approval already granted and that too not on proposal of the Management but a letter issued by the head of the school. According to the learned counsel for Respondent No. 4 the Petition suffers from delay and

latches and there is no illegality in the order of 13 April 2018. However, we note that the order dated 13 April 2018 is an order reviewing/modifying the approval granted by the Education Officer. In various decisions the law regarding the power of the Deputy Director, to do so, has been settled.

3. In the light thereof, we direct Respondent No. 2 Deputy Director of Education, Pune to file an affidavit as to under which power tracing to any Government Resolution or policy, that the order dated 13 April 2018 was passed. The contentions of the Respondent No. 4 as regards delay and latches are kept open.

4. Stand over to **28 March 2024**.

5. Any steps taken in the meanwhile will be subject to further orders of this Court.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)