



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3286 OF 2021

RENUKA SECONDARY AND HIGHER SECONDARY SCHOOL PALVAN
AND ANOTEHR

VERSUS

THE STATE OF MAHARASHTRA
THR ITS SECRETARY AND ANOTHER

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Advocate for the Petitioners : Mr. D. S. Bhapkar h/f. Mr. V. D. Salunke
AGP for Respondent Nos. 1 and 2 : Ms. P. J. Bharad

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CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

DATE : 27.02.2025

PER COURT :

. The petitioner No. 2 was appointed as headmaster by the
petitioner No. 1 – management and they are awaiting approval.

2. As per the stand of the Education Officer in the
affidavit-in-reply, the previous headmaster was terminated and has
preferred an appeal under Section 9 of the Maharashtra Employees of
Private Schools (Conditions of Service) Regulation Act, 1977, which
is pending before the School Tribunal, as a cause for not granting
approval to the petitioner's appointment.

3. The learned advocate for the petitioners submits that, even otherwise, the earlier headmaster has reached the age of superannuation and cannot be reinstated, even if his appeal is allowed.

4. If that be so, if the erstwhile headmaster has already crossed the age of superannuation, in our considered view, that being the only impediment, the Education Officer can examine that aspect and consider the petitioner's proposal.

5. We dispose of the writ petition, directing respondent No. 2 – the Education Officer (Secondary) to undertake scrutiny and if the earlier headmaster Shri. Subhash Bhagwan Pawar, who is before the School Tribunal, has crossed the age of superannuation, the Education Officer (Secondary) shall consider the petitioner's proposal as expeditiously as possible, and in any case, within six (06) weeks.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

jhs/