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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 WRIT PETITION NO.13727 OF 2025

Gulab Ramsing Patil,

Versus

The State of Maharashtra,

Through its Principal Secretary, Sports and Education Department,
Mantralaya, Mumbai And Others

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927 WRIT PETITION NO.13728 OF 2025

1. Yograj Pandurang Patil

2. Kailas Shamraon Patil

Versus

The State of Maharashtra,

Through its Principal Secretary, Sports and Education Department,
Mantralaya, Mumbai And Others

WITH

CIVIL APPLICATION (STAMP) NO.34614 OF 2025 IN WP13728 OF 2025

Vitthal Tulshiram Badgujar

Versus

Yograj Pandurang Patil And Others

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Mr. Jitendra V. Patil, Advocate for Petitioners in both WPs

Mr. R.S. Wani, APP for Respondents No.1 to 4 in both WPs

Mr. Anand Patil (Indrale), Advocate for Intervener in WP/13728/2025

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CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATED : 19 NOVEMBER, 2025

ORDER [Per Hiten S. Venegavkar, J.] :-

1. Both the writ petitions impugn the communication dated 10.09.2025 issued by Respondent No. 4 for cancellation of the approval order granted in favour of the petitioners.

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2. Petitioners have been employed with the schools run by respondent No. 5 since 1991 and 1992 respectively. The present management is running five schools in Jalgaon District, and therefore, a common seniority list of all employees has been maintained for all posts. As the posts of permanent Headmasters were vacant for a long period, promotion orders were issued in favour of the petitioners by respondent No. 5, and the petitioners came to be appointed as permanent Headmasters in their respective schools. Resolutions were also passed by the Management to that effect on 22.05.2024 and 18.06.2023. Accordingly, promotion orders were issued by the Management on 01.07.2023 and 01.06.2024, and the proposals seeking approval to the services of the present petitioners as permanent Headmasters were forwarded to respondent No. 4 on 01.01.2025. As the proposals were not finally decided and approval was not granted, the petitioners approached this Court, pending the approval proposals, by filing Writ Petition No. 4429 of 2025 and Writ Petition No. 4449 of 2025, seeking directions to respondent No. 4 to decide the proposals and grant approval within a period of four weeks. Accordingly, the writ petitions were disposed of by issuing directions to respondent No. 4 to decide the proposals of the petitioners. In view of the orders passed by this Court, respondent No. 4 granted approval to the

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appointment/promotion of the petitioners in Writ Petition No. 13728 of 2025 as permanent Headmasters, by orders dated 31.05.2025 and 30.05.2025.

3. The petitioners submit that on 10.09.2025, one Gopal Ghanshyam Chaudhary filed a complaint with respondent No. 4 seeking cancellation of the approvals granted to the petitioners. In view of the complaint dated 10.09.2025 filed by Gopal Ghanshyam Chaudhary, respondent No. 4 – Education Officer forwarded the proposal for cancellation of the approvals granted to the petitioners for the posts of permanent Headmasters to the office of respondent No. 3

4. The learned advocate appearing for the petitioners argued that Respondent Gopal Ghanshyam Chaudhary, who is a politician and a third party, submitted a one-line representation/complaint to Respondent No. 4 on 10.09.2025 seeking cancellation of the approval orders granted in favour of the petitioners. He argued that, in light of the Government Resolution dated 18.02.2025, no third-party complaints can be entertained against the approval orders granted in favour of the petitioners. He further submitted that the complaint is merely a one-sentence application stating that the names of the three persons appointed as Headmasters and granted approval should be cancelled. There is absolutely no reason mentioned in the said

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application. The learned advocate for the petitioners thus argued that respondent No. 4, in view of the Government Resolution dated 18.02.2025, ought not to have considered the complaint filed by a third person and ought not to have forwarded the proposal to respondent No. 3. According to the learned advocate, forwarding the complaint along with the impugned communication dated 10.09.2025 amounts to respondent No. 4 taking cognizance of the complaint, and therefore, in light of the Government Resolution dated 18.02.2025, the impugned communication is bad in law and liable to be set aside

5. When the matter was called out, learned advocate Mr. Anand Patil Indrale appeared on behalf of Vitthal Tulsiram Badgujar and stated that he has filed Civil Application (Stamp) No. 34164 of 2025 in Writ Petition No. 13728 of 2025 seeking intervention, as he is aggrieved by the appointment of the petitioners as permanent Headmasters. He argued that the impugned communication dated 10.09.2025 is not only with reference to the complaint filed by respondent Gopal Ghanashyam Chaudhary, but also with reference to the complaint filed by the present intervener on 03.07.2025. He argued that the applicant cannot be treated as a third party, as he was an employee of respondent No. 5, and he is aggrieved by the approval granted to the petitioners as permanent Headmasters on 01.07.2023 and 01.06.2024. He thus prayed for dismissal of the present petitions.

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6 The learned AGP appearing for respondents No. 1 to 4 argued that the impugned communication dated 10 September 2025 cannot be said to be an order or any decision. Reading of the said communication simpliciter shows that respondent No. 4 has merely forwarded the complaints to the office of respondent No. 3 for appropriate action. According to the learned AGP, the petitions are premature and deserve to be dismissed.

7. We have heard all the parties, including the intervener. It is an admitted position that the petitioners were appointed as permanent Headmasters after approval was granted by respondent No. 4. The approvals have been granted on 01.07.2023 and 01.06.2024 to the respective petitioners. It is further admitted position that the approval orders and the appointment of the petitioners as permanent Headmasters have not been challenged by any party till date. Thus, the approvals as on today have attained finality. Perusal of Government Resolution dated 18.02.2025 clearly mentions that no cognizance of any complaint received from third person who is not connected with the institution and that the subject matter should be taken into consideration by the authorities in accordance with the judgment and order dated 23.10.2024 passed in Writ Petition No. 2492 of 2024 by the Principal Seat at Bombay. Considering the aforesaid Resolution, we

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agree with the submissions of the petitioners' advocate that respondent No. 4 ought not to have entertained the complaints filed by respondent Gopal Ghanshyam Chaudhari and by the intervener. Issuing the impugned communication dated 10.09.2025, making reference to both complainants and forwarding it to the office of respondent No. 3, itself amounts to taking cognizance of the complaints and violates the directions issued by the State Government under its Government Resolution dated 18.02.2025. Respondent Gopal Ghanshyam Chaudhari is mentioned as ex-Zilla Parishad member of Zilla Parishad, Jalgaon, and perusal of his complaint at Exhibit 'F' does not show how he has any interest in the petitioners being appointed as Headmasters of the schools run by respondent No. 5-Society. Thus, it cannot be disputed that he is a third person. As far as the complaint of the intervener is concerned, the impugned communication itself mentions that, as on 10.09.2025, he is a retired employee of respondent No. 5. Therefore, if as on that date he was not in service, he cannot be said to be a person having any interest in the subject matter or in the affairs of respondent No. 5 as on 10.09.2025. Moreover, the argument of the learned advocate for the intervener is that he is aggrieved by the appointment of the petitioners as Headmasters for a specific period. In our considered view, the remedy for the intervener in such a situation is not by way of filing any complaint with the office of respondent No. 4. In case the

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intervener is aggrieved, he may adopt appropriate legal remedies available to him in law. We also do not agree with the submissions made by the learned AGP that the impugned communication dated 10.09.2025 is merely a forwarding letter and that no cause of action can be said to have arisen for the petitioners to approach this Court on the basis of the said communication. Perusal of the impugned communication clearly demonstrates that respondent No. 4, while addressing the said communication to respondent No. 3, has mentioned the subject as 'Headmasters—cancellation of approval. Furthermore, in the reference, both complaints have been taken into consideration and forwarded. In the said communication, respondent No. 4 has clearly stated; 'submitted for appropriate action'. Thereafter, it can be observed that a copy of the said communication dated 10.09.2025 has been forwarded to respondent Gopal Ghanshyam Chaudhari, who is a third person, as well as to the intervener and to the Superintendent, Pension Department. Respondent No. 4, on the contrary, should to have refused to accept any complaint from a third person or should have dismissed the said complaint by relying upon the Government Resolution dated 18.09.2025. However, respondent No. 4 has proceeded to take cognizance of the complaints and issued the impugned communication, which amounts to taking cognizance and forwarding the same for necessary action. In our considered view, this cannot be permitted and

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hence the writ petitions deserve to be allowed. We, therefore, proceed to pass the following order:

ORDER

- (I) Both the Writ Petitions are allowed.
- (II) The impugned communication dated 10.09.2025 issued by Respondent No. 4 for cancellation of the approval orders granted in favour of the petitioners as permanent Headmasters is hereby quashed and set aside
- (III) No order as to costs.
- (IV) Civil Application (Stamp) No. 34614 of 2025 also stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE