

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5367 OF 2022

Balwant Ganpat Sutar ...Petitioner
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Avinash Belge, Advocate for the Petitioner.

Mr. P.P. Kakade, Addl. G.P. a/w Mr. K.S. Thorat 'B' Panel Counsel
for Respondent Nos.1 &2/State.

Mr. Prathamesh Bhosle i/by MNSQ Legal, Advocate for Respondent
Nos.3 & 4.

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

DATE : 13th FEBRUARY, 2025

P.C. :-

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1. We have perused the orders dated 7th February, 2024 and 14th August, 2024, passed by this Court [Coram: Shri. Nitin Jamdar (as His Lordship then was) and Shri. M.M. Sathaye, JJ.].

2. It is undisputed that there seems to be a dispute as to who is the actual elected Secretary. Pleadings before us have still not revealed a dispute as regards the President.

3. The provisions of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short 'MEPS Act') and the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (for Short 'MEPS Rules'), require the appointment of an eligible senior most teacher to be the Headmaster of the school. Five annual confidential reports have to be considered. The proposal is to be forwarded by the Chairman and the Secretary of the Institution/Trust. No doubt, the proposal before us, dated 6th September, 2021, is a handwritten (5 Pages) proposal, which is signed only by Smt. Sheetal Prakash Chavan, claiming to be the Chairperson of the Trust, as per the contentions of the learned Advocates for the Petitioner and the Management.

4. In view of the above, this **Writ Petition is partly allowed**. The impugned order dated 1st December, 2021 is bereft of proper inquiry and verification of the records and the same is quashed and set aside, and the proposal of the Management dated 6th September, 2021 is restored to the file of the Education Officer (Secondary), Zilla Parishad, Ratnagiri.

5. The Education Officer is directed to consider the records of the said school and verify whether the Petitioner is the senior most eligible teacher. His five annual confidential reports shall be perused. If there is no legal impediment, he would proceed to grant approval to the appointment of the Petitioner as the Headmaster. If there is any deficiency or legal impediment, he would address the Chairman and the Secretary of the Trust with a copy to the Deputy Charity Commissioner, Ratnagiri, where the dispute amongst the Trustees with reference to the change report, is pending. After granting an opportunity of hearing to the Chairman and the Secretary and after the removal of deficiencies, he would pass a reasoned order.

6. Let this exercise be completed within a period of 120 days. Since we are now informed by the learned Advocate for the Petitioner that he has already superannuated on 31st August, 2024, the proposal would be dealt with by the Education Officer considering the date on which it has been filed and if the approval is granted, it would relate back to the service of the Petitioner from the date he was appointed as the Headmaster by the Management.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)