

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5969 OF 2024

Rajashri Shahu Chatrapati Shikshan
Prasarak Mandal, Shirgaon & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

WITH

WRIT PETITION NO. 5988 OF 2024

Rajashri Shahu Chatrapati Shikshan
Prasarak Mandal & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. Prashant Bhavake, Advocate for the Petitioners.

Mr. V.M. Mali, AGP for Respondent Nos.1 to 3/State in
WP/5969/2024.

Ms. N.M. Mehra, AGP for Respondent Nos.1 to 3/State in WP
No.5988/2024.

Mr. Yuvraj Narvankar, Advocate for Respondent No.4.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 5th FEBRUARY, 2025

P.C. :-

1. Having considered the submissions of the learned
Advocates for the respective sides and perused the order of this

Court dated 5th September, 2024 we find, in both these Petitions, that the internal squabbles have led to a controversy of even appointment of regular Headmasters on the respective schools.

2. In the first Petition, 18 senior most teachers are alleged to have declined to accept the position of Headmaster, and in the second Petition, two senior most teachers have declined to be the Headmaster. The Education Trust is the same, which operates these schools. Several allegations are made against each other by the Petitioners and Respondent No.4, who has been arrayed in these Petitions under the order of this Court.

3. Normally, when the dispute between the Trustees leads to a serious mismanagement of the Trust, this Court has exercised its extra-ordinary jurisdiction under Article 226 of the Constitution to appoint an Administrator. On several occasions, this Court has even directed the Deputy Education Officer to be the Incharge Headmaster in certain cases.

4. In the present case, we need to take a feel of the extent to which the dispute has sunk its teeth in the mis-management of the

Trust and the two schools. It would be a mighty coincidence that 18 senior most teachers declined to be the Headmaster and such situation assumes a different colour, when the warring faction alleges that it was under the pressure of the Petitioner Management that these 18 persons declined, since the Management's choice is the teacher, who is at Serial No.19.

5. We, therefore, direct the Education Officer, to have a discussion with first three senior most teachers and convey to them that a senior most teacher has to be appointed as the Headmaster. In the event any of these three declines to be the Headmaster, the Education Officer can consider further two senior most teachers at Serial Nos.4 and 5, since the object should be to ensure that a regular Headmaster is appointed on these three schools in accordance with the rules applicable, for the better Management of the schools.

6. We grant two weeks time to the Education Officer to complete the above said exercise. Wherever the senior most teacher agrees to be the Headmaster, he shall be accordingly appointed, initially as an Incharge Headmaster. Once this exercise is completed,

he would apprise this Court of the situation on the next date. We would then appointing them as regular Headmaster.

7. List these Petitions on **28th February, 2025**, in the supplementary board for further consideration.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)