IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

75 WRIT PETITION NO. 9607 OF 2024

Harishchandra Sadashiv Autade
VERSUS
The State Of Maharashtra Through The Secretary And Others
...
Mr. Vishwamber D. Gunale, Advocate for the Petitioner
Ms. N. B. Kamble, AGP for Respondents/State
...

CORAM : NITIN B. SURYAWANSHI &
ABASAHEB D. SHINDE, JJ.
DATE : 06th OCTOBER 2026

P. C. :-

1. By this petition, the petitioner seeks direction to Respondent No.4-Deputy Director of Education to appoint the petitioner, who is presently working as the in-charge Headmaster, as an Administrator of Jijamata Shikshan Prasarak Mandal, Andhora, Tq. Kallamb, Dist. Osmanabad (for short "the said Trust"), by invoking powers under Section 3 of the Maharashtra Educational Institutions (Management) Act, 1976, until the inter se disputes between the management are finally resolved.

2. We have heard the learned Advocate for the petitioner and learned AGP for Respondents/State. Perused the record. At

one point of time, taking into consideration, the disputes between the management, this Court, by order dated 18.04.2022 passed in Writ Petition No.1073 of 2021, which was filed by one Rangnath Kale, the then in-charge Headmaster, issued the following directions :-

> *"4. We are informed that the said Headmaster officiated as Administrator for almost 15 years and has now retired.*
>
> *5. Considering the above, we are directing the petitioner to add the Assistant Charity Commissioner, Osmanabad as respondent no.6. Addition be carried out forthwith. Issue notice to the added respondent. Learned AGP waives service of notice for the added respondent.*
>
> *6. Considering the above issue and the fact that the petitioner is presently working as incharge Headmaster, who prays for regular appointment as approved Headmaster in view of the experience of the earlier Headmaster Shri Shivaji Keshavrao Ingale who remained an Incharge Headmaster and Officiating for more than 15 years, that we are issuing the following directions :*
>
> > *a) The learned Assistant Charity Commissioner, Osmanabad shall appoint the present petitioner, presently Incharge Headmaster, as an Administrator of Lokmanya Vidyalaya, Andhora,*
> >
> > *b) conduct the elections for the said trust either by himself or through a responsible Officer deputed by him, by considering the available records of the trust and by following due process of law, preferably on or before 31st July, 2022.*
> >
> > *c) Needless to state, the elected body thereafter would be at liberty to consider the senior most eligible teacher of the Lokmanya Vidyalaya, Andhora and recommend the said person for appointment as a regular Headmaster to the Education Officer (Secondary) preferably within two months after the elections.*
> >
> > *d) Compliance report of this order shall be placed before us through the learned Registrar (Judicial) of this Court after the elections are held."*

3. By the aforesaid directions, the said writ petition was

disposed of.

4. The dispute between the management is still going on, and the Respondents are shy of appointing Administrator on the said Trust as at earlier point of time this Court directed that the then in-charge Headmaster be appointed as an Administrator.

5. Admittedly, the earlier in-charge Headmaster, namely, Mr. Rangnath Kale, is already retired in the year 2023, and thereafter, the petitioner is appointed as in-charge Headmaster.

6. Since after the retirement of earlier Headmaster, namely, Mr. Rangnath Kale, nobody is appointed as Administrator, the petitioner is claiming directions to appoint him as an Administrator. We are not inclined to grant such direction. It is for Respondent No.4 to appoint a Government Official as an Administrator on the said Trust.

7. Respondent No.4 shall, therefore, appoint a Government Official as an Administrator on the said Trust within a period of four (04) weeks from the date of receipt of copy of this order.

8. Since the petitioner is claiming to be the senior most teacher and, therefore, he is entitled to the post of Headmaster, the Administrator shall consider the claim of the petitioner on its own merits and decide the same within a period of eight (08)

weeks from the date of his appointment as Administrator.

9. Writ Petition is accordingly disposed of by giving aforesaid directions.

(ABASAHEB D. SHINDE, J.) (NITIN B. SURYAWANSHI, J.)