IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11251 OF 2025

Vasant Bhagoji Vhadage ...Petitioner

Versus

The State Of Maharashtra And Others ...Respondent

Mr. Prashant Bhavake, for the Petitioner.
Ms. Tejas Kapre, AGP for the Respondent-State.
Mr. Utkarsh Desai (through VC), for the Respondent No. 4.
Mr. Onkar Ghatge, for the Respondent No. 5.

CORAM : SHARMILA U. DESHMUKH & NEERAJ P. DHOTE, JJ.

DATE : OCTOBER 08, 2026.

P. C. :

1. By the present Petition, Petitioner challenges the impugned order dated 26th August, 2025 passed by the Deputy Director of Education rejecting the individual approval granted by the Education Officer to the promotion of Petitioner to the post of headmaster and for release of salary payable to the Petitioner with all arrears.

2. This Court is informed that during the pendency of the present Petition, the Petitioner was superannuated on 31st May, 2026. Vide order dated 16th September, 2025, this Court had stayed the impugned order, and as such, the Petitioner continued on the post of headmaster

till his superannuation.

3. Briefly stated, the facts of the case are that the Petitioner was appointed as an assistant teacher on 13th June, 1997 and was promoted to the post of headmaster on 1st June, 2022. The Education Officer granted individual approval to the promotion on 8th August, 2022 and upon complaint being received, cancelled the said approval on 4th March, 2024, after a period of two years. As against the cancellation of the approval, the Petitioner approached the Deputy Director, which upheld the order of cancellation on 20th June, 2024. Aggrieved thereof, the Petitioner filed Writ Petition before this Court being Writ Petition No. 18081 of 2024 and by order dated 16th December, 2024, this Court set aside the order and remitted the proceedings to the competent authority to decide afresh. By the impugned order dated 26th August, 2025, Deputy Director reiterated the cancellation of the approval granted to the Petitioner.

4. Learned counsel for the Petitioner has taken this Court in detail through the findings of the Deputy Director of Education to contend that the only ground on which the approval has been cancelled is by reason of the *inter se* dispute in the rival factions of the management. Drawing support from various decisions of this Court which are annexed to the Petition, he would submit that the Deputy Director of Education is not concerned with the *inter se* dispute and the only inquiry which is

contemplated is as regards the procedure being followed as prescribed by Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (for short "**MEPS Rules**") .

5. Learned AGP would support the impugned order and would submit that as there was a dispute about the promotion being granted, Deputy Director of Education has rightly passed the order.

6. Learned counsel for the Respondent No. 5 would also support the impugned order.

7. We have perused the proceedings and considered the submissions.

8. Rule 3 of the MEPS Rules prescribe the qualifications for appointment of Head. It is nobody's case that the Petitioner was not the senior most teacher in the school run by Respondent No. 4, or that he did not meet the qualifications as prescribed by Rule 3 of the MEPS Rules. Despite the specific order of this Court dated 16th December, 2024, by which this Court had directed the competent authority to test the seniority of teachers in accordance with law and that the eligible senior most teacher would be taken into account by the competent authority, while delivering the order, we find from the impugned order that there is non-compliance of the order dated 16th December, 2024. Instead, the Deputy Director of Education has misdirected itself and has gone into the aspect of *inter se* disputes between the rival factions of

the trust with which the Deputy Director was not concerned.

9. In the case of ***Murlidhar Janrao Kale And Others vs State of Maharashtra And Others***[1], annexed at page 142 of the Petition, this Court has specifically held that the Education Officer/Deputy Director can direct management to cancel appointments made, only when procedure laid down in Rule 3 of the MEPS Rules is not followed, and in case of dispute amongst trustees about such appointment, the power under Rule 3(6) of the MEPS Rules cannot be exercised. Similar view has been taken in the case of ***Navnath s/o Narsing Gore vs State of Maharashtra And Others***[2].

10. The dispute in question which forms the basis for the impugned order has no nexus with the issue which was required to be adjudicated by the Deputy Director of Education. The reasons set out in the impugned order reflect that the inquiry was conducted as regards the internal dispute amongst the trustees and as to whether the change reports have been allowed or not. There is no finding of the non-compliance of Rule 3 of the MEPS Rules, which inquiry was contemplated to be conducted.

11. There is no dispute about the fact that the Petitioner was the senior most teacher and was entitled to be appointed as headmaster and has accordingly been functioning pursuant to the orders passed by

1 2011(3)Bom.C.R. 850
2 2021 (6) Mh.L.J.118

this Court.

12. In light of the above, the impugned order dated 26th August, 2025 is clearly unsustainable and is hereby quashed and set aside.

13. Resultantly, the individual approval granted by order of 8th August, 2022 is restored. Consequential benefits to be granted expeditiously, and in any event, within a period of ten weeks.

14. The Petition is allowed in the above terms.

15. Applications, if any, do not survive for consideration and stand disposed of.

[NEERAJ P. DHOTE, J.] **[SHARMILA U. DESHMUKH, J.]**