

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

WRIT PETITION NO. 12679 OF 2025
WITH
INTERIM APPLICATION NO. 119 OF 2026
IN
WRIT PETITION NO. 12679 OF 2025

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Manohar Laxman Kengar

.. Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

.....
Mr. S.S. Sankpal h/f Mr. Prashant Bhavake for the Petitioner.
Mr. Utkarsh S. Desai for Respondent No.6.
Ms. T.J. Kapre, AGP for the Respondent - State.
.....

CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.

DATE : 10th MARCH, 2026.

P. C. :

1. Heard.

2. By this petition, the Petitioner has prayed for following reliefs :-

“(b) By a suitable Writ, Order or direction, this Hon'ble Court be pleased to direct the Respondent No.5 - Education Officer to decide the proposal sent by the Respondent No.6 - Educational Institution for individual approval to the promotion of the Petitioner in the post of Head Master at New English School (Sec.), Miraj, Taluka: Miraj, District: Sangli by taking into consideration Rule 3 of the Maharashtra Employees of Private Schools [Conditions of Service] Rules, 1981 and without granting signatory rights only within period of two weeks or

any other period within the stipulated period which this Hon'ble Court may deem fit and accordingly, to grant individual approval to the said promotion of the Petitioner in the post of Head Master w.e.f. 1-6-2025;

(c) Without prejudice to the prayed clause 'b', pending the hearing and final disposal of this Writ Petition as well as proposal before the Respondent No.5-Education Officer, this Hon'ble Court be pleased to direct the Respondent No.5-Education Officer continue signatory rights granted to the Petitioner as Head Master of aforesaid School to the Petitioner w.e.f. 1-6-2025;"

3. The newly added Trustees came with a submission that they have also forwarded the proposal of Mrs. Tabbasum Riyajkhan Vazir for the post of Head Master of School. The Education Officer by his order dated 19th November 2025, rejected the proposal of Shri. Kengar as well as Mrs. Vazir on the ground that he could not understand as to how two proposals are forwarded to his office for one post.

4. We have perused the entire record and the contentions which are raised in the Petition. After hearing for some time, the parties consented that this matter can be remanded back to the Education Officer to decide afresh the entire controversy involved in the matter by giving them hearing opportunity as Education Officer did not consider the proposals on its own merit. According to them, Education Officer should apply his mind and decide the proposal on merits by verifying the seniority

and other relevant factor as per settled principles of law.

5. In view of the above, we pass following order :-

ORDER

(i) The order passed by the Education Officer dated 19th November 2025 of rejecting the proposal of Approval of Mrs. Vazir and Mr. Kengar is hereby quashed and set aside.

(ii) The Education Officer is directed to reconsider the entire controversy involved in the matter by granting an opportunity of hearing to all the parties and, after hearing them, pass a detailed order in the matter by recording cogent reasons.

(iii) Parties are directed to appear before the Education Officer on 23rd March 2026.

(iv) The Education Officer is directed to decide the controversy and the issue of approval as expeditiously as possible and in any case within a period of 4 weeks.

(v) All contentions raised in the petition are expressly kept open.

6. The Writ Petition stands disposed of in the above terms.

7. In view of disposal of the Writ Petition, pending Interim Application also stands disposed of.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]