IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 642 OF 2024

1. Jameela Bano Mahmudul Hasan
Age-45 years, Occ – Service,
R/at – House No.49, Hirapanna Colony,
Malegaon Nashik 423203

2. More Vishal Pandit
Age-35 years, Occ- Service
R/at Block No.1, Room No.7,
Nadva Road, Police Line,
Nandurbar-425413 ...Petitioners

Versus

1. The State of Maharashtra
through the Secretary
Department of Education and Sports
Mantralaya Mumbai, 400001

2. The Education Officer (Secondary)
Zillah Parishad, Nashik

3. Dy Director (Secondary)
Nashik Divisional Commissioner
Zillah Parishad, Nashik

4. Chairman/Secretary
through Akhlaque Ahemad Mohammad Ayyb
SK Usman Education Society
Malegaon

5. Head Master
SK Usman Education Society
M.H.B.Colony Malegaon
Nashik-423203 ...Respondents

WITH

WRIT PETITION NO. 662 OF 2024

1. Rizwana Bano Jamal Hashim
Age-38 years, Occ- Service
R/at Survey No.120, Plot No.-65
Naurang Colony, Malegaon,
Nashik-423203

2. Momin Tayyaba Kauser Ejaj Zahir
Age-31 years, Occ- Service
R/at Near City College
Islampur, Malegaon,
Nashik-423203

3. Mohd Shoeb Akhlaque Ahmad naga
Age-33 years, Occ-Service
R/at Sl No.-21, Plot No.15,
Old Agra Road,
Ayasha Nagar Masjid Maaulana Yousuf Nagar,
Malegaon, Nashik-423203

4. Ashafa Badre Alam
Age-42 yrs, Occ- Service
R/at – House No.770, Rasoolpura,
Malegaon, Nashik-423203

5. Javed Iqbal Aslam Shaikh
Age-33 yrs, Occ- Service
R/at – Madni Nagar In front of Umar Masjid,
Jamner Jalgaon

6. Mehar Bano Muoninuddin
Age-45 yrs, Occ- Service
R/at-Plot No-7 Galli No-1 Gandhi Nagar,
Guruwar Ward, Malegaon, Nashik-423203

7. Monali Jagannath Hire
Age-39 yrs, Occ- Service
R/at- Deoghat, Malegaon,
Nashik-423105

8. Asma Firdauss Anis Ahamad
Age-32 yrs, Occ- Service
R/at-796/28, Islamabad Raviwar Ward,
Malegaon, Nashik-423203

9. Thakare Kishor Chintaman
Age-32 yrs, Occ- Service
R/at- Kalgaon, Dhamnar, Sakri, Dhule, 424310

10. Sayma Abdul Wadud
Age-38 yrs, Occ- Service
R/at- House No-509, Galli No-2 M.H.B Colony,
Malegaon, Nashik-423203

11. Shaikh Rizwan Ahmad Kamruddin
Age-33 yrs, Occ- Service
R/at-3781, Gauslaya Nagar, Kasoda
Jalgaon-425160

12. Sama Parveen Sultan Ahmad
Age-37 yrs, Occ- Service
R/at-Ghar No-928 Chuna Bhatti,
Malegaon, Nashik-423203 ...Petitioners

Versus

1. The State of Maharashtra
through the Secretary
Department of Education and Sports
Mantralaya Mumbai, 400001

2. The Education Officer (Secondary)
Zillah Parishad, Nashik

3. Dy Director (Secondary)
Divisional Commissioner Nashik

4. Chairman/Secretary
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SK Usman Education Society
Malegaon

5. Head Master
SK Usman Education Society
M.H.B.Colony Malegaon
Nashik-423203 ...Respondents

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Mr. Sanjeev B. Deore a/w Suchita J. Pawar, Arman Ansari, Aditya S. Deore and Shamshadali Hashmi, for Petitioners.

Ms. Priyanka B. Chavan, AGP for the Respondent – State.

Ms. Panthi Desai i/by M/s M.P. Vashi & Asso. for Respondent Nos. 4 and 5.

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CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.

DATE: 18th AUGUST 2026

P.C.

1. We have heard learned Counsel for the parties. The prayers made in these two petitions refer to the order dated 22.12.2022 passed by the Education Officer. The grievance of the Petitioners, who are the Assistant Teachers, is in regard to the proposal as submitted by Respondent – Management is not approved by the Education Officer (Secondary), Zillah Parishad, Nashik, in regard to their appointment.

2. We have perused the impugned communication dated 22.12.2022, which has considered the proposals which were forwarded. There are about 16 issues raised on the basis of which the proposal has not been accepted. It clearly appears that there is dispute between the Management and some disputes are also subject matter of proceedings including the change reports which are pending adjudication before the authorities of the Charity Commissioner. We do not intend to delve upon the issues.

3. In the event, the Petitioners' appointments are legal and valid and are in accordance with the Rules, then all the credentials in that regard are required to be submitted, as there are 16 compliances which are called for in the impugned communication dated 22.12.2022, we are of the opinion that the clear proposal demonstrating compliance of each and every aspect as pointed out by the Education Officer will be required to be submitted and if something is not warranted appropriate explanation in that regard be submitted, which would

require the consideration of the said officer. Let Respondent Nos. 4 and 5 – Management, submit a fresh proposal within a period of four weeks from today. The Education officer shall consider the same in accordance with law and after granting opportunity of a hearing and verification of all the documents as may be submitted to the Education Officer to take an appropriate decision. We observe that the Education Officer will bear in mind that any dispute *inter se* between the members of the Society and those who are managing the educational institution ought not to cause any prejudice to the Petitioner and in the event any such issues apart from the other credentials being satisfied are noted the same would be required to be dealt strictly as the law would mandate and not in a manner prejudicial to the Petitioner.

4. With the aforesaid observations, as we have directed fresh consideration, the Petitions do not require further adjudication. Petitions stand disposed of in the aforesaid terms. No cost.

(DR. NEELA GOKHALE, J) **(G. S. KULKARNI, J.)**

PRASAD RAJENDRASING RAJPUT

Digitally signed by PRASAD RAJENDRASING RAJPUT
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