



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO.788 OF 2026

[Ashok Shikshan Sanstha and Another **..Vrs..** State of Maharashtra and
Others]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri. C. S. Kaptan, Senior Advocate a/b Shri. P. L. Sagdeo, Advocate for Petitioners.
Ms S. S. Jachak, AGP for Respondents/State.
Shri. S. N. Chikhale, Advocate for Respondent No.3 (through V.C.).

**CORAM : ANIL S. KILOR AND
RAJ D. WAKODE, JJ.**

DATE : 29th JANUARY, 2026.

. At the outset, Shri C. S. Kaptan, learned Senior Counsel, assisted by Shri P. L. Sagdeo, learned counsel for the petitioners, seeks leave of this Court to implead the Hon'ble Minister, Higher and Technical Education Department, Maharashtra State, as respondent No.8 in the present writ petition. He also seeks leave of this Court to carry out corrections of certain mistakes committed at the time of filing of the petition. Leave granted.

2. The corrections be carried out forthwith.

3. Heard Shri C. S. Kaptan, learned Senior Counsel, assisted by Shri P. L. Sagdeo, learned counsel for the petitioners.

4. The petitioner No.1 is a Management which has approached this Court along with petitioner No.2 - the Principal of Late Madangopal Mundhada (Ashok) Arts, Commerce and Science College, Chandur Railway, being run by the petitioner No.1 – Management.

5. The contention is that the respondent No.3, the Administrator, *vide* communication dated 19.01.2026, has held that the petitioner No.2, the Principal of the aforesaid College, is not mentally and physically fit to perform the duties of Principal and has accordingly directed that he be referred to the Medical Board of Late Vasantrao Naik Government Medical College, Yavatmal, for producing the fitness certificate within a period of 30 days. Respondent No.3 has further directed the petitioner No.2 to proceed on compulsory leave and has appointed respondent No.4 by circulating a message on WhatsApp. However, the root cause of the present matter lies in the order dated 29.02.2024, passed by the respondent No.2 – the Director of Higher Education, whereby an Administrator was appointed upon the aforesaid College run by the petitioner No.1. The petitioners have also sought challenge to the aforesaid order in the present writ petition by way of prayer Clause (a), which reads thus :

“(a) Quash and set aside the impugned order dated 29.02.2024 (ANNEXURE-5), passed by the Director of Education under the Maharashtra Educational Institutions (Management) Act, 1976, whereby the Management of the Petitioner No.1- Society’s College was taken over, being arbitrary, illegal, violative of Sections 3 to 6 of the said Act and Articles 14 and 21 of the Constitution of India;”

6. It is submitted that after the aforesaid order dated 29.02.2024, the petitioner No.1 has immediately approached to the respondent No.8 by filing a statutory appeal under Rule 3(4) of the Maharashtra Educational Institutions (Management) Act, 1976, within the stipulated period. Shri. Kaptan, learned Senior counsel, submits that the aforesaid appeal, which was filed on 18.03.2024, is not yet decided by respondent No.8 and

thus, the Administrator is continued on the aforesaid College and such orders are being passed.

7. In view of the above, issue notice to the respondents, returnable on 10.04.2026.

8. Ms. S. S. Jachak, learned Assistant Government Pleader, waives service of notice on behalf of respondent Nos.1, 2, 6 and 8 and Shri. Chikhale, learned counsel who appears on caveat, waives service of notice on behalf of respondent No.3.

9. The petitioners to serve the remaining respondents by usual mode so also by private mode.

10. In the meanwhile, respondent No.8 – the Hon'ble Minister, Higher and Technical Education, Maharashtra State, to decide the appeal dated 18.03.2024 at record page No.70 (Annexure - 6), filed by petitioner No.1, within a period of eight weeks from the date of receipt of this order. The petitioners undertake to place a copy of this order before respondent No.8 within a period of one week from today.

11. The impugned communication dated 19.01.2026, issued by respondent No.3 – Administrator, is stayed during the pendency of the present writ petition.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)