

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
WRIT PETITION NO. 4840 OF 2015**

Mrs. Rachna Ramchandra SankhePetitioner.
Vs.
Aryan Education Society & Ors.Respondents.

**WITH
CIVIL APPLICATION (STAMP) NO. 15261 OF 2015
IN
WRIT PETITION NO. 4840 OF 2015**

Pulkesh Ambaji MohiteApplicant.

IN THE MATTER BETWEEN

Mrs. Rachna Ramchandra SankhePetitioner.
Vs.
Aryan Education Society & Ors.Respondents.

Ms. Anupama B. Shah for the Petitioner.
Ms. Rita K. Joshi for Respondent Nos. 1 and 2.
Mr. R.S. Datar for the Applicant in Intervention Application.

**CORAM : ANOOP V. MOHTA AND
VL.ACHLIYA, JJ.
DATE : 10 JUNE 2015.**

ORAL ORDER:-

Intervention Application filed by Mr. Datar, is taken on
board.

- 2 Rule. Rule made returnable forthwith.
- 3 Heard finally by consent of the parties.

4 We are inclined to dispose of the present Writ Petition as impugned order date 6 April 2015 passed by the Education Officer, (Secondary), Zilla Parishad, Palghar is without reason, in the sense, if there is a question of seniority and/or related aspect of seniority list, as per the scheduled “F” and application moved by the Management for approving appointment of senior most teacher (the Petitioner) on the post of headmaster, the rejection of the same without assigning a specific reason, in our view, is impermissible. The reason should reflect such rejection, as according to the Management the Petitioner is a senior most teacher. Mr. Datar, the learned counsel appearing for the Intervenor, however, submitted that though the issue required consideration as the Petitioner is not senior most. The objection was filed by the Applicant which resulted into this order.

5 Therefore, taking overall view of the matter and that inspite of specific order and the specific contentions so raised by the parties, no specific detailed reasons are assigned to the impugned order, that definitely results into denying the entitlement of most senior person, like the Petitioner.

6 Therefore, in the interest of justice and to avoid further complications, we are inclined to set aside impugned order dated 6 April 2015 with directions to the Respondent-Education Officer to deal with the Application afresh by giving equal opportunity to all the parties, including the Applicant and pass the reasoned order, as early as possible, preferably within eight weeks from today.

7 Having once set aside impugned order dated 6 April 2015, as per the Management, the Petitioner being senior most teacher, therefore for all other purposes, as required, she should be appointed as in-charge headmistress till the decision of the Education Officer, so that other important aspects and the transactions of the school should not be hampered.

8 However, it is made clear that we are not observing anything on the merits of the matter. All points are kept open, including the rival contentions so raised.

9 Writ Petition is accordingly disposed of with liberty, so also the Intervention Application. There shall be no order as to costs.

(VL. ACHLIYA, J.)

(ANOOP V. MOHTA, J.)