

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 8945 OF 2014

Bhivdas Mahadeo Deokar .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

Mr. Vishal Kanoda a/w Satish S. Raut, Advocate for the petitioner
Ms. S. S. Bhende, AGP for R. Nos. 1 to 3.
Mr. Saket Ketkar, Advocate for R. No. 4.
Mr. Sachin S. Punde, Advocate for R. No. 6.

CORAM:-ANOOP V. MOHTA &
V. L. ACHLIYA, JJ.
DATED : -09/06/2015

P.C.

Rule. Rule returnable forthwith. By consent of the parties taken up for final hearing.

2 Heard learned counsel for the parties.

3 We are inclined to dispose of present writ petition by directing the petitioner to make representation / appeal to Education Officer – respondent No. 3, referring to the seniority in question and specifically based upon the impugned communication dated

8/5/2013 issued by respondent No. 3, on the representation made by the management and thereby expressed that Mr. Shailendra Kadam is senior to the petitioner Bhivdas Deokar. This expression or opinion so given was without giving opportunity specifically to the petitioner whose seniority ultimately discussed and decided and accordingly communicated to the management and in return the management acted upon the same. Therefore, by keeping all points open, including rights and contentions of both the parties, with regard to the authority and jurisdiction of the education inspector, to deal with such aspect of seniority, we pass following order:

(a) We direct respondent No. 3 Education Officer to decide the representation already made dated 17/6/2013, which is stated to be not decided till this date.

(b) The decision be taken as early as possible, preferably within two months by giving equal opportunity to all the concerned and in accordance with law as contemplated in Rule 12 of The Maharashtra Employees of Private School (Conditions of Service) Rules. It is also made clear that the decision to be taken uninfluenced by the observations so made in the order dated

8/5/2013.

The petition is accordingly disposed of. All points are kept open. No costs.

(V. L. ACHLIYA, J.)

(ANOOP V. MOHTA. J.)

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