

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.844 OF 2015

[Bapurao s/o Shankarrao Satange .vs. The Education Officer (Secondary), Zilla Parishad, Amravati and others]

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

Court's or Judge's orders

Shri P.S. Kshirsagar, counsel for the petitioner,
Ms. T.H. Khan, AGP for the respondent no.1,
Shri S. Khobragade, counsel for the respondent no.2,
Shri S.S. Joshi, counsel for the respondent no.3.
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CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : OCTOBER 14, 2015.

Heard.

By this petition, the petitioner has challenged the order of the Education Officer (Secondary), Zilla Parishad, Amravati dated 5.1.2015, holding that the respondent no.3 is senior to the petitioner.

According to the petitioner, the issue of seniority is wrongly decided by the Education Officer and the order is not in consonance with the law laid down by the Supreme Court in the judgment, reported in 2014 (5) Bombay Cases Reporter, 529 (Viman V. Awale v. Gangadhar Makhriya Charitable Trust).

Shri Joshi, the learned counsel for the respondent no.3, raises a preliminary objection to the tenability of the writ petition. It is stated that on the basis of seniority, the respondent-management has appointed the respondent no.3 as a Head Master, by an order dated 1.11.2014. It is stated that if the petitioner is aggrieved by the said order, it would be necessary for the petitioner to file an appeal before the School Tribunal where the issue of seniority could also be considered.

Since the respondent no.3 is promoted on the post of Head Master, the petitioner can as well file an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Services) Regulation Act, 1977, challenging the order of promotion. The issue of seniority could be decided by the School Tribunal while deciding the appeal

In view of the aforesaid, we dispose of the writ petition, in view of the existence of the alternate efficacious remedy. The points raised in the petition are kept open.

JUDGE

JUDGE

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