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

WRIT PETITION NO.5919 OF 2015

[Shri Mahadev s/o Sakharam Mathurkar and one .vs. 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 orders

Shri V.K. Paliwal, counsel for the petitioners,
Ms. T.H. Khan, AGP for the respondent nos.1 and 2.

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CORAM : SMT. VASANTI A. NAIK AND A.I.S. CHEEMA, JJ.

DATED : OCTOBER 26, 2015.

By this petition, the petitioners challenge the order of the Education Officer (Secondary), Zilla Parishad, Bhandara, dated 10-15th October, 2015 granting financial and administrative powers in favour of the respondent no.4.

According to the petitioners, the financial and administrative powers, that were initially granted in favour of the petitioner no.2, could not have been granted in favour of the respondent no.4, by the impugned order. It is stated that a person, who is not authorised to submit the proposal of the respondent no.4 for grant of financial and administrative powers, had submitted his proposal.

On hearing the learned counsel for the parties, it appears that the relief sought by the petitioners cannot be granted. Firstly, no employee has a right to seek the grant of financial and administrative powers. At least, no material has been pointed out on behalf of the petitioners in that regard. If there is no right in the petitioner no.2 to seek the retention of financial and administrative powers, there is no question of hearing the petitioner no.2 before granting the financial and administrative powers to the respondent no.4. Merely because the petitioner no.2 was earlier granted financial and administrative powers,

the petitioners cannot insist that the same should be retained with the petitioner no.2 only. We find from the impugned order that the respondent no.4 has put in more than 29 years of service and the petitioner no.2 is in the service of the petitioner no.1 only for a period of 21 years.

Since the petitioner does not have a right to claim the financial and administrative powers and since, by the impugned order, financial and administrative powers are granted to the respondent no.4, only till a candidate is promoted on the post of Head Master or for a period of three months, the writ petition is dismissed, with no order as to costs.

JUDGE JUDGE

Gulande