

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

WRIT PETITION NO. 6487 OF 2014

Chandrashekhar S/o Sahebrao Bhise

-vs-

Education Officer (Secondary), Zilla Parishad, Nagpur and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.Nitin Khamborkar, counsel for the petitioner.
Mrs.A.R.Taiwade, AGP for the respondent No.1.
Mr.S.D.Abhyankar, counsel for the respondent No.2.
Mr.R.D.Karode, counsel for the respondent No.3.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 23.03.2015.

By this petition, the petitioner challenges the order of the respondent No.1, dated 26/11/2014 granting financial and administrative powers to the respondent No.2.

According to the petitioner, though the petitioner is sought to be promoted on the post of headmaster by the majority of the trustees, the Education Officer has illegally granted the financial and administrative powers to the respondent No.2. It is stated that the said order could not have been passed, when the proposal for appointment of the petitioner on the post of headmaster is pending with the Education Officer. It is further stated that the Education Officer could not have observed in the affidavit-in-reply that the respondent No.2 is senior to the petitioner as the issue stands answered in favour of the petitioner by the judgment of the Hon'ble Supreme Court in Civil Appeal No.7699 of 2014.

On hearing the learned counsel for the parties, we decline to interfere with the order granting financial and

administrative powers to the respondent No.2. Nothing has been pointed out on behalf of the petitioner to show that financial and administrative powers could have been granted only in favour of the senior most teacher and not to anybody else. We are not considering the issue in regard to the *inter se* seniority between the petitioner and the respondent No.2 as that aspect would be looked into while considering the proposal of the petitioner for grant of approval on the post of headmaster.

Hence, we dispose of the writ petition with a direction to the respondent No.1-Education Officer (Secondary) to decide the proposal for appointment of the petitioner on the post of headmaster as early as possible and positively within a period of three months in accordance with law.

Order accordingly. No costs.

JUDGE

JUDGE