

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 7320 OF 2015**

ASHOK SHRAVAN KHOTKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Sagar
Killarikar Balaji L.AGP for Respondent/State : Mrs. A.V.
GondhalekarAdvocate for Respondent nos. 5 and 6: Mr.
M.N. Kolhe h/f Mr. P.M. GaikwadAdvocate for Respondent no.7 : Mr. V.S.
Panpatte

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CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.**Dated: May 04, 2016**

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PER COURT :-

There is innocuous prayer made in this Petition, in as much as, the direction is sought to Respondent No.2 - Education Officer (Secondary), Zilla Parishad, Aurangabad to decide the proposal for grant of approval to the appointment of petitioner strictly in accordance with law and appreciating the claim based in 'Seniority' and to grant all other consequential benefits (declaring the deemed date of appointment), within a period of two weeks.

2. The learned counsel appearing for Respondent No.7 seriously objected for granting such prayer. He submits that there is no common seniority of all the schools run by Respondent No.3. He further submits that the petitioner has not placed on record the seniority list. Therefore, he submits that the Petition may not be entertained.

3. The learned A.G.P. appearing for Respondent Nos. 1 and 2 submits that unless the seniority list is prepared by Respondent No.3, the Education Officer cannot adjudicate the dispute of seniority.

4. We have heard the learned counsel appearing for the parties. Perused the pleadings in the Petition, annexures thereto and replies filed by the respective respondents.

5. In our opinion, this Petition can be conveniently disposed of by giving directions to Respondent No.2 - Education Officer (Secondary), Zilla Parishad, Aurangabad to hear the petitioner, respondents and take appropriate decision on the proposal pending

before it on its own merits, as expeditiously as possible, and preferably within six weeks from today. We have not expressed any opinion on merits.

6. The Petition stands disposed of in above terms.

7. The parties shall act upon an authenticated copy of this order.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

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