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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**REVIEW APPLICATION NO.217/2011
IN
LETTERS PATENT APPEAL NO.23/2003
IN
WRIT PETITION NO.3895/2002**

Rambhau Nivrutti Varpe.
...Applicant..

Versus

Punyashlok Ahilyadevi Seva Sangh
& others.
...Respondents...

.....

Shri S.T. Shelke, Advocate for applicant.
Shri V.D. Hon, Senior Advocate for respondent nos.1 & 2.
Shri R.N. Dhorde, Senior Advocate for respondent no.3.
Shri A.R. Kale, AGP for respondent no.4.

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**CORAM: R.M. BORDE &
K.L. WADANE, JJ.**

DATE: 08.07.2016

ORDER :

1] We have perused the order passed by the Division Bench in Letters Patent Appeal No.23/2003.

2] The applicant is objecting to the order of

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appointment of the respondent no.3 as Head Master thereby superseding his claim of seniority. The challenge raised by the applicant relating to action of supercession has been turned down by the School Tribunal, by the learned Single Judge of this Court as well as in the Letters Patent Appeal presented by the applicant.

3] It does appear that the respondent no.3 was appointed as Head Master in 1995 in an unaided school run by the management. At that point of time, the review applicant, though senior-most teacher, chose not to challenge the appointment, obviously because the vacancy of the Head Master's post was in an unaided school while he was working in an aided school. He chose to challenge the action of supercession only after the school run by the respondent no.3 started receiving grant-in-aid i.e. after lapse of five years.

4] These aspects have been considered by all the three forums i.e. the School Tribunal, the learned Single Judge of this Court as well as the Division Bench dealing with the Letters Patent Appeal and have held against the applicant. We do not find any unreasonableness or arbitrariness in the view taken by the Division Bench

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dealing with the Letters Patent Appeal. No case is made out for causing interference in the application seeking review of the order. The application thus stands rejected.

(K.L. WADANE, J.)

(R.M. BORDE, J.)