

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

27 WRIT PETITION NO. 7299 OF 2015

MEHMIL KHAN YUSUF KHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Patil Prakashsing B.
AGP for Respondents 1 and 2 State: Mr. M. B.Bharaswadkar
Advocate for Respondents 3 and 4 : Mrs. A. N. Ansari
Advocate for Respondent No.5 : Mr. S.R. Barlinge

WITH

27 WRIT PETITION NO. 5048 OF 2015

WITH

WITH CIVIL APPLICATION NO.13039 OF 2016

IN

WRIT PETITION NO. 5048 OF 2015

ANJUMAN TARAQUI-E-TALIM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mrs. A. N. Ansari
AGP for Respondents 1 and 2 State: Mr. M.
B.Bharaswadkar
Advocate for Respondents 3 and 4 : Mr. Patil
Prakashsing B.
Advocate for the applicant in C.A.:Mrs. S.S. Kazi

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 4th October, 2016

ORDER:

1. The order passed by the Education Officer (Secondary) dated 10.12.2014 is the subject matter of consideration. The petitioner in Writ Petition No. 7299/2015 seeks implementation of the said order, whereas the petitioner in writ petition No. 5048 of

2015 assails the said order.

2. We have gone through the said order. After reading the order, the order leads us nowhere with regard to the spectrum of the dispute between the parties. According to the institution, the vacancy that would arise would be for 8th to 10th Standards wherein the consideration in respect of teacher would be subject wise. Whereas, according to the petitioner in Writ Petition No. 7299/2012, the petitioner in WP No.7299/2015 is senior most and is required to be considered from 25%. As the petitioner is senior, having acquired necessary qualifications prior in point of time, he has been rightly given the benefit by the Education Officer.

3. Perusing the order, it no way transpires as to whether the Education Officer has considered the contention as to the availability of the posts either in High school or the primary school to which 5th to 7th Standards are attached. There are rival contentions in this regard. The Education Officer is required to apply his mind and then consider all the relevant aspects i.e. the seniority, eligibility of the person to be considered in the particular pay scale or

eligibility of the person to be considered on the said post for a particular primary school/High School etc. As the order is bereft of all the aforesaid facts and details, we set aside the impugned order and direct the education officer to reconsider the issue before it after hearing all the affected/interested parties.

4. The parties may appear before the Education Officer on 20th October, 2016.

5. The Education officer shall consider the rival contentions of the respective parties and decide the writ issue afresh as expeditiously as possible, preferably within a period of four months from the appearance of all the parties.

6. Writ petitions are accordingly disposed. No costs.

7. Civil application also stands disposed of.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC