

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4683/2016

(Progressive Education Society and another vs. The 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 order

Mr. Anand Parchure, Advocate for the petitioners
 Mr. I.J. Damle, Assistant Government Pleader for Respondent Nos. 1 & 2
 Mr. S.D.Chande, Advocate for Respondent no.4.

**CORAM : SMT. VASANTI A. NAIK &
 MRS. SWAPNA JOSHI, JJ.**

DATED : 13th December, 2016.

Heard.

The petitioner no. 2 was promoted to the post of Headmaster and the Education Officer had granted approval to the appointment of the petitioner no.2 on the said post. After the promotion of the petitioner no.2, by the impugned communication dated 21st June, 2016, the Deputy Director of Education, Nagpur, directed the Education Officer to withdraw the financial and administrative powers of the petitioner no.2 and instead, grant them to the respondent no.4.

According to the petitioners, the petitioner no.2 was regularly promoted on the post of Headmaster and there was no question of withdrawing the financial and administrative powers. It is stated that if the respondent no.4 was aggrieved by the order of promotion of the petitioner no.2, the respondent no.4 ought to have filed an Appeal before the School Tribunal.

Shri S.D.Chande, the learned counsel for the respondent no.4 states that during the pendency of this Writ Petition, the respondent no.4 has challenged the promotion of the petitioner no.2 on the post of Headmaster and the said Appeal is pending.

In the circumstances of the case, since the respondents are not acting upon the impugned orders dated 21.06.2016 and 19.7.2016, the Writ Petition could be disposed of by leaving the point in regard to the seniority and promotion of the petitioner no.2, to be decided by the School Tribunal. Hence, the Writ Petition is disposed of with no order as to costs.

JUDGE

JUDGE

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