

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH AT NAGPURWRIT PETITION NO.5989 OF 2016

[Santosh s/o Udaybhan Hedao .vs. Assistant Divisional Commissioner, Amravati Division, Amravati and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.R. Narnaware, Advocate for the petitioner,
Shri A.A. Madiwale, AGP for respondent nos.1 and 2,
Shri Anand Parchure, Advocate for respondent no.4.

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

DATED : DECEMBER 15, 2016.

By this writ petition, the petitioner impugns the order of the Education Officer (Secondary), Zilla Parishad, Yavatmal, dated 26.7.2016 holding that the respondent no.5 was entitled to be promoted on the post of Headmaster and the approval granted to his promotion cannot be cancelled.

Shri Parchure, the learned counsel for the respondent no.4 raises a preliminary objection to the tenability of the writ petition. It is stated that if the petitioner is aggrieved by the promotion of the respondent no.5 to the post of Headmaster, it is necessary for the petitioner to challenge the order of promotion before the School Tribunal in an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. It is stated that the issue in regard to the seniority as well as the promotion could as well be decided by the Tribunal.

By upholding the objection raised on behalf of the respondent no.5, we decline to entertain the writ petition in view of the existence of an alternate efficacious remedy. The writ petition is disposed of with no order as to costs. The petitioner is free to avail the alternate remedy, if so advised. The points raised in the petition are kept open.

JUDGE

JUDGE