

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.7158/2014

Vidya Vikas Mandal, Lakhandur, Tahsil Lakhandur, District Bhandara through its
Secretary
...Versus...
The State of Maharashtra, through its Secretary, School Education Department,
Mantralaya, Mumbai – 400 032 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.P. Bhandarkar, Advocate for petitioner
Mrs. K.R. Deshpande, AGP for respondent nos.1 to 3

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

DATE : 18.07.2016

By this writ petition, the petitioner challenges the order of the Education Officer (Secondary), dated 24.11.2014 endorsing the list of teachers, that was tendered by the Headmistress by ignoring the list tendered by the petitioner.

The petitioner claims to be the Secretary of the Education Society, that runs the Junior Colleges, in which certain teachers were declared as surplus. It is stated on behalf of the petitioner, by placing reliance on the seniority list, that is, annexed to the writ petition that the teachers mentioned in the list tendered by the petitioner to the Education Officer ought to have been declared as surplus. It is stated that the Education Officer has, however, wrongly accepted the list tendered by the

Headmistress thereby retaining the junior teachers in the College and declaring the senior teachers as excess. It is stated that the order accepting the list tendered by the Headmistress is bad in law and hence, the same is liable to be set aside.

We are not inclined to interfere with the impugned order, in the circumstances of the case. It appears that there are two factions in the Management. The petitioner, who claims to be the Secretary, belongs to one of the factions. The other faction of the Management to which the Headmistress belongs has sent the list of surplus teachers to the Education Officer and the said list has been accepted. Merely because the list tendered by the Secretary is not accepted, the impugned order cannot be interfered with, more so, when none of the senior teachers have challenged the order of declaration of their services, as surplus.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar

C E R T I F I C A T E

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