

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7996 OF 2015

GANESH KESHAVREAO SHISODE AND ANOTHER
VERSUS
CEO, ZP, HINGOLI AND ANOTHER

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Advocate for Petitioners : Shri Tripathi Manish P.
Advocate for Respondents 1 & 2 : Shri Bondar U.B.
AGP for Respondent 11 : Shri Bhagat N.T.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 22, 2017

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PER COURT :-

1. The only issue emerging from this petition is as regards the appointment of Supervisor in Government and ex-Government Secondary Schools under the Zilla Parishad.
2. The contention of the petitioners, who are aggrieved by their exclusion is that the over all seniority of the teachers in all Government Secondary Schools under the Zilla Parishad should be considered and the senior-most person should be appointed as a Supervisor in any school where there is a vacancy.
3. Respondent no.1 has canvassed that the seniority of the teachers working in a particular school is to be considered while appointing a Supervisor to that particular school.

4. The petitioners rely upon the Government Resolution dated 00.10.1974 (exact date is not mentioned on the Government Resolution itself), in support of their contention.

5. I have considered the submissions of the learned Advocates for the respective sides.

6. Respondents 1 and 2 have contended that Rule 63.2(ii) of the Secondary School Code has to be followed while making such appointments. Rule 63.2(ii) reads as under:-

“ While appointing Supervisors the claims of senior and qualified teachers already working in the school should be duly considered. Supervisorship need not be permanent but may be rotating.”

7. The petitioners submit that the Secondary School Code would not be applicable to the Zilla Parishad Schools since the Rules framed under the Maharashtra Zilla Parishad District Services (Recruitment) Rules, 1967 would apply,

8. I do not find from the pleadings in the petition as well as the grounds raised, any reference made by the petitioners to any of the Rules of 1967 to contend that an over all seniority list must be maintained for appointment of a Supervisor. So also, in the memo of

the petition, the petitioners have purely relied upon the Government Resolution of October 1974 to contend that they would have a right to be appointed as a Supervisor by considering the over all seniority amongst all the Schools under the Zilla Parishad. Moreover, no provision from the 1967 Rules have been pointed out by the petitioner to support his contention.

9. The said Government Resolution of October 1974 provides for appointing one or more Supervisors subordinate to the Head of the School with the approval of the Education Officer. The number of posts of Supervisors are to be regulated in a manner that if the School has less than ten classes, no Supervisor is to be appointed. In a School having more than ten classes, one post of Supervisor for ten classes is provided, but not exceeding four posts of Supervisors in one School. The said appointment of the Supervisors is to be made strictly according to the seniority-cum-merit. The job of the Supervisor is to supervise the general working of the School including the work of Teachers, maintenance of the premises of the School, holding examinations and assist the Head Master in his duties.

10. Learned counsel for the Zilla Parishad submits that never in the past has the Zilla Parishad appointed Supervisors from amongst the entire seniority list of all the teachers in all the schools under the Zilla Parishad. It was always school based seniority.

11. The Deputy Commissioner (Establishment) from the Divisional Commissioner's Office submits that there are no specific Rules regarding appointment of Supervisors in the Secondary School. A specific affidavit dated 8.2.2017 has been filed stating therein that the Zilla Parishad follows Rule 63.2 of the Secondary School Code while making such appointments. At times, the post of Supervisor is rotated amongst the teachers in the same school.

12. Learned AGP submits that by such rotation, the senior teachers working in the school would get an opportunity of performing the duties of the Supervisor. It is further stated in the affidavit that Supervisors have been appointed in the various schools under the Hingoli Zilla Parishad by following such a Rule and the petitioners are junior to the person who has been presently appointed. Similar affidavit is filed by the Education Officer.

13. Considering the above, I do not find that the impugned order could be termed as being perverse or erroneous. This petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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