

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12233 OF 2016

Shri. Dhanpal Ramchandra Hable

..Petitioner

Versus

The Education Officer (Secondary)

Zilla Parishad, Solapur and others

..Respondents

Mr. S. A. Rajeshirke for the Petitioner.

Mr. C. P. Yadav, AGP for the Respondent Nos.1 & 6.

Mr. S. S. Salunkhe for the Respondent Nos.2 & 3.

Mr. A. B. Tajane for the Respondent Nos.4 & 5.

CORAM : B. R. GAVAI &

SANDEEP K. SHINDE, JJ.

DATE : 10th NOVEMBER, 2017

PC.

1] Rule. Rule made returnable forthwith. Heard by consent.

2] The Petitioner by way of present Petition challenges the order dated 1st October 2016, vide which the Respondent No.1 has reviewed his order dated 24th June 2016. The perusal of the order dated 24th June 2016 would reveal that the Education Officer – Respondent No.1 has granted approval to the proposal submitted by the management for promoting the Petitioner with effect from 1st June 2016. However, it appears that immediately on 1st October 2016, on the basis of a complaint by someone that the promotion of the Petitioner was not done by the Secretary as was found on Schedule-I, the approval granted was recalled.

However, it would further appear that immediately within 17 days i.e. on 17th October 2016, he found that the Petitioner was senior most teacher and as such till the decision of the dispute before the Assistant Charity Commissioner he has been given powers of the in-charge Head Master to sign the pay bills etc.

3] It could thus be seen that even according to the Respondent No.1, the Petitioner is a senior most teacher. We find that the Respondent No.1 was not justified in recalling the earlier order only on the ground of some dispute between two groups of the management.

4] We are of the considered view that if there is dispute between two groups of the management trust, the Education Officer ought to have continued approval of senior most teacher. If any other teacher was aggrieved by grant of approval, such a teacher could have raised grievances in the appropriate proceedings. However, only on the basis of dispute between two groups of the management, it was not proper on the part of the Education Officer to call his earlier order.

5] It may not be out of place to mention that this Court in number of matters has held that the Education Officer does not have a power to review his own order. Unless the statute provides for review of

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the order passed by himself, such an authority cannot review his order. In that view of the matter, the Petition is made absolute in terms of prayer clause (a).

[SANDEEP K. SHINDE, J.]

[B. R. GAVAI, J.]