

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1805 OF 1996

Mrs.Bharati Salian and anr. .. Petitioners
Vs.
State of Maharashtra and ors. .. Respondents

Ms. Prachi Khandge i/b M. P. Vashi & Associates, for the
Petitioners.
Mr.M.A. Sayyed, AGP for State.

**CORAM : A.A.SAYED AND
M.S.KARNIK, JJ.**

23rd JUNE, 2017

P.C. :

1. The petitioners have filed this Petition impugning the letter dated 15/03/1996 (Exhibit 'F' to the Petition) of the Education Inspector. By the impugned letter, the Education Officer has decided the seniority of the Assistant Teachers. The grievance of the petitioners is that the respondents No. 4 to 9 were wrongly shown as senior to the petitioners in the seniority list. According to the petitioners, considering the qualification on the date of the appointment of respondents No.4 to 9, they

are senior to respondents No. 4 to 9 and they ought to have been shown higher on the seniority list. The petitioners further contend that they would be entitled to the difference in salary from 1981 to 1996 on the basis of their seniority. There is no reply filed by the Respondents. Learned AGP also has no instructions.

2. In view of the above, it is not possible for this Court to decide the correctness of the impugned letter and the issue of seniority between the petitioners vis-a-vis respondents No. 4 to 9. It is however noticed that the petitioners were not heard by the Education Officer before fixing the seniority and finalizing the seniority list.

3. In the facts and circumstances of the case, in our opinion, the following order would meet the ends of justice :

ORDER

- i) The Education Inspector shall re-examine the issue of seniority between the petitioners and respondents No. 4 to 9 and other Assistant Teachers and pass a fresh order after hearing all concerned.

ii) The decision shall be taken by the Education Inspector preferably within a period of 4 months from the date of communication of this order by the petitioners.

iii) The Education Inspector shall also determine the pay scales of the petitioners in accordance with the changed seniority list, if any. If the petitioners are entitled to any difference of pay scale and monetary benefits, the same shall be paid expeditiously.

4. The Petition is disposed of in the above terms. Rule is made absolute accordingly.

(M.S.KARNIK, J.)

(A.A.SAYED, J.)