

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

WRIT PETITION NO. 4046/2016.

Mo. Sayeed Ab. Rashid

-VERSUS-

Nagar Parishad, Washim and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
AND ROHIT B. DEO, JJ.

DATE : AUGUST 04, 2017.

Heard Shri Anand Deshpande, learned Counsel for the petitioner and Ms. R. Kalia, learned A.G.P. for respondent no.2. None appears for other respondents.

2. Petitioner is an employee of respondent no.1 Municipal Council and hence provisions of Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 are not applicable. Petitioner claims that his employer has promoted him vide resolution no.11 dated 09.03.2016 as Headmaster, but, respondent no.2 Education Officer has refused approval to it by unreasoned one line

2

order.

3. Learned A.G.P. points out that respondent no.4 appears to be senior, promotion of a junior cannot be accepted and hence, approval has not been granted.

4. Reasons given by respondent no.1 Education Officer appears only on affidavit in reply filed before this Court. The order impugned dated 16.06.2016 does not contain any such application of mind.

5. Shri Deshpande, learned counsel for petitioner submits that if respondent no.4 has not challenged order of promotion before Competent Authority, the order needs to be given effect to. According to him there is no such challenge and hence, respondent no.2 does not possess jurisdiction to reject approval on that ground.

6. We need not delve more into this controversy. As the order dated 16.06.2016 is unreasoned, the same is quashed and set aside. We direct respondent no.2 to reconsider the entire controversy and if necessary, provide opportunity of hearing to petitioner, his employer as also respondent no.4. Appropriate final order in this respect shall be

3

passed within a period of next three months.

7. Writ Petition is thus, partly allowed and disposed of. No costs.

JUDGE

JUDGE

Rgd.