

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD***

WRIT PETITION NO. 1719 OF 2018

Mr. Hemant s/o Vasant Kulkarni
& others

... Petitioners

Versus

The State of Maharashtra
& others

... Respondents

Mr. V.D. Sapkal, Advocate for the Petitioners.

Mr. S.B. Pulkundwar, AGP for Respondents no. 1 and 2.

Mr. Girish Rane, Advocate for Respondents no. 3 and 4.

Ms. S.P. Mahajan, Advocate for Respondent no. 5.

Coram : N.M. Jamdar, J.

Date : 18 December 2018.

Oral Order :

1. Heard learned counsel for the parties.
2. On 11 December 2018, the contention of the learned counsel for the petitioners that the impugned order is passed by the Education Officer fixing the seniority of respondent no. 5 without giving an opportunity to that and other teachers, was recorded.

3. The learned Additional Government Pleader, in view of the statement, took time to take instructions. He has placed on record the communication received from the Education Officer (Secondary) that hearing would be given to all concerned and a fresh order would be passed.

4. It is thus clear from the communication as well as the submissions of the learned Additional Government Pleader that the order was passed without giving an opportunity to the petitioners. The order, therefore, will have to be set aside and the Education Officer will have to give fresh hearing to all the concerned. Since the petitioners and the contesting respondents are represented through their advocates, separate notice of fresh hearing to them is not necessary.

5. The parties will appear before the Education Officer (Secondary) on 27 December 2018. Considering the fact that the issue is of seniority of the teachers in the school, the Education Officer would give priority to resolve this dispute which is pending for some time and make an endeavor to dispose of the proceeding within a period of four weeks from the date of appearance of the parties before

the Education Officer. The learned counsel for the parties assure that the parties will cooperate with the Education Officer for early disposal.

5. So that there is no prejudice caused, it is directed that irrespective of the setting aside of the impugned order, the position as on today will continue till the disposal of the proceeding by the Education Officer. It is clarified that this arrangement is only an arrangement in equity.

6. Writ petition is accordingly disposed of.

N.M. Jamdar, J.