

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

948 WRIT PETITION NO. 5355 OF 2018

VIDYA SHIVANAND BHANGRE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Shinde Abasaheb D.
AGP for Respondents 1 and 2 : Mr. S.G.Karlekar
Adv. For respondent no.3 : Mr. Shelke

CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.

DATE : JUNE 7, 2018

O R D E R :

Mr. Shinde, learned counsel for the petitioners states that the seniority list has not been properly maintained by respondent no.4. The petitioners are seniors. Their seniority has to be counted from the date of their appointment or attaining qualification, however, the seniority is being considered from the date on which approval is granted for transfer. Same is erroneous.

2. Mr. Shelke, learned counsel for respondent no.3 submits that the petitioners have remedy under Rule 12 of the M.E.P.S. Rules to assail seniority list.

3. Considering the above, we are not inclined to entertain the petition on merits. The petitioners are at liberty to raise objection under Rule 12 of the M.E.P.S. Rules before the concerned Education Officer. Needless to state, on receipt of the objection, the Education Officer shall decide the said objection, on its own merits, in accordance with law, after hearing all parties, expeditiously, preferably within six months from the date of receipt of the objection.

4. Writ Petition is disposed of. No costs.

[SUNIL K.KOTWAL, J.]

[S.V.GANGAPURWALA, J.]

dbm