

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

WRIT PETITION NO. 8953 OF 2017

Madhukar Vyankatrao Kulkarni

... Petitioner

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr N. B. Suryawanshi, Advocate for the appellants
Mr R. V. Dasalkar, AGP for respondent/State
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 08TH JANUARY, 2018.

ORDER:

1. The petitioner was working as an Assistant Teacher with respondent no.3. The petitioner was thereafter promoted to the post of Supervisor in the same school. The approval was also granted to the promotion of the petitioner as Supervisor. Subsequently, the management reverted the petitioner as an Assistant Teacher and transferred him to the school at Majalgaon. The petitioner has assailed the said action in the present writ petition.

2. The affidavit-in-reply is filed by the Education Officer

stating that objection was received to the seniority from one Mr.Vyankat Reddy. Pursuant to that, the stay has been granted to the order of approval.

3. There will be no purpose in keeping the position in abeyance. When respondent no. 2 has taken cognizance of the objection of Mr. Vyankat Reddy to the seniority list, it is expected of respondent no. 2 to decide the objection to the seniority list as per Rule 12 of the MEPS Rules.

4. Respondent No. 2 shall take final decision on the objection of Vyankat Reddy to the seniority list within a period of four weeks from today after hearing all the interested parties. The respondents No. 3 and 4 shall communicate the same to Mr Vyankat Reddy also so as to enable the parties to appear before the Education Officer on 12.01.2018.

5. Depending upon the decision taken by the Education Officer, the Education Officer shall further take decision upon the approval granted to the petitioner to the post of Supervisor and also transfer of the petitioner to the school at Majalgaon as an Assistant Teacher.

6. All contentions of respective parties are kept open. It will be open for the parties to take further steps depending upon the decision being taken by the Education Officer.

7. The writ petition stands disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde