

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

WRIT PETITION NO. 5011 OF 2017
WITH
CIVIL APPLICATION NO. 11778 OF 2017

Dhanraj s/o Chandrakant Ejare .. Petitioner

Versus

The State of Maharashtra and ors. .. Respondents

Mr P.D. Suryawanshi, Advocate for petitioner
Mrs M.A. Deshpande, A.G.P. for respondents no.1 to 3 and 5
Mr S.A. Ambad, Advocate for respondent no.6
Mr S.S. Choudhari, Advocate for respondent no.7
Mr R.J. Godbole, Advocate for intervenor

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

DATE : 25th January 2018

PER COURT

1. The grievance of the petitioner is that the approval granted to the services of the petitioner as in-charge Head Master of Shri Shambhuling Shivacharya Secondary School, Latur is cancelled on erroneous ground. According to Mr Suryawanshi, learned Counsel for the petitioner, the petitioner is a senior most teacher. One teacher was senior to the petitioner has given in writing that he is not interested in the post of Head Master. The petitioner is the 2nd senior most is required to be appointed as Head Master. His approval as in-charge Head Master was rightly granted in favour of the petitioner. The same is cancelled on palpably erroneous ground.

2. Mr Ambad, learned Counsel for respondent no.6 submits that the petitioner cannot be said to be the senior most. The respondent no.6 belongs to Scheduled Caste category and is entitled to be appointed as Head Master.

3. The intervenor claims to belong to Scheduled Caste category and also claims right to the said post.
4. The approval to the post of in-charge Head Master is granted only for limited purpose for sanctioning salary bills.
5. Learned Counsel Mr Choudhari for respondent no.7 submits that within four weeks, management would submit proposal of full time Head Master as per rules.
6. In view of the fact that the management has expressed its readiness to forward the proposal for full time Head Master in accordance with rules and further as it is stated that the salary of the petitioner is released, it is not necessary to enter into the other aspects of the matter. If such proposal is received by the Education Officer, the Education Officer shall consider the proposal on its own merits considering all the relevant aspects of the matter, such as seniority, roster.
7. Earlier orders would not be an impediment to the Education Officer to consider the proposal on its own merits.
8. Writ Petition is accordingly disposed of. No costs.
9. In view of disposal of Writ Petition, Civil Application stands disposed of.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)