

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6394 OF 2018

Shri.Angad Prabhakar Deshmukh ...Petitioner
V/s.
The President/Secretary Morya
Shikshan Sanstha & Ors. ...Respondents

Ms.Kumud A. Bhatia for the Petitioner.

Mr.P.J. Thorat for Respondent Nos.1 and 2.

Mr.S.B. Kalel for Respondent-State.

**CORAM : S.C. DHARMADHIKARI &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 21st JUNE 2018

P.C.:

1. In this petition on the earlier occasion we dictated an order in open Court, but did not sign it simply because Mr.P.J. Thorat, learned counsel stated that he had been instructed by the Management, namely, respondent Nos.1 to 3 to file vakalatnama and appear and oppose grant of any interim relief. The interim relief was based on the pleading that the petitioner was initially informed that being the senior most teacher, he will be appointed as a Principal of the School of the first respondent-Management at Dahivali, Taluka-Madha, District-Solapur.

2. However, according to the petitioner that order was abruptly withdrawn and another order of transfer was served on the petitioner directing him to report for duties at the second respondent school at Chinchwad, Pune. It is this transfer order which is challenged in this petition.

3. In the meanwhile, Mr.Thorat, on instructions, stated that the teacher who was to report at Dahivali in place of the petitioner has been relieved from duties from the Chinchwad School and has joined the duties at M.S.S. High School Dahivali, Taluka-Madha, District-Solapur. Even if this Court is inclined to protect the petitioner, still there is no vacancy now and particularly for a language teacher who teaches the subjects Hindi and Marathi at the Dahivali school.

4. Mr.Thorat also stated on instructions that the petitioner has reported at the transferred place and though this fact is known to him, yet he filed this petition.

5. To resolve this impasse, we indicated to both the sides earlier that the Education Officer (Secondary), Solapur Zilla Parishad, Solapur will resolve the dispute between the Management

and the petitioner with regard to the petitioner's claim of seniority by calling for all the records from the Management, hearing all the affected teachers including the petitioner and passing a reasoned order. The learned AGP who has accepted notice on behalf of respondent Nos.4 to 7 and waived service, on instructions, stated that as the Management and the petitioner have both consented to the suggestions given by this Court, the Education Officer (Secondary), Solapur Zilla Parishad, Solapur, will endeavor and dispose of the referred claim of seniority as expeditiously as possible and as directed by the Court within a period of two weeks from the date the parties appear before him.

6. Mr.Thorat, on instructions, states that within one week from today the records in relation to the seniority dispute would be transmitted to the office of the Education Officer (Secondary). Equally, the petitioner has agreed to appear before him. Let the records be transmitted within one week from today. Let the Education Officer issue notice to all the affected teachers to remain present before him. Thereafter, by 20th July 2018 he shall render his final decision on a dispute in relation to the seniority of the teachers.

7. We clarify that we have not expressed any opinion on this issue and merits of that claim. We accept the statement of Shri.Thorat made on instructions as an undertaking to this Court. Till the dispute is resolved by the Education Officer (Secondary) Solapur Zilla Parishad, Solapur no action will be taken against the petitioner and the petitioner can proceed on leave. Neither the petitioner's entitlement, salary and per-requisites or benefits would be affected adversely nor his position as a fulltime teacher. In such circumstances and without prejudice to the rights and contentions of particularly of the petitioner, we dispose of this writ petition.

(SMT.BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI,J.)