

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10971 OF 2012

Mrs. Takle Subhada Sarang .. Petitioner
Versus
Swami Vivekanand Society & Ors. .. Respondents

Mr. Harshad Palwe for petitioner
Mr. Amol Desai i/b. Avinash Jalisatgi for respondent Nos. 1 and 2

CORAM : B.R. GAVAI &
SMT. BHARATI H. DANGRE JJ

DATE : 28TH FEBRUARY 2018

P.C.:

1. Rule. Rule made returnable forthwith. Heard by consent.
2. By the communication dated 24th August 2012, the Respondent No.3, Education Officer, has remitted back the matter to Respondent Nos. 1 and 2 for deciding the issue with regard to, inter se, seniority. Rule 12 of Maharashtra Employees of Private School Rules mandates the Education Officer to decide the dispute with regard to, inter se, the seniority between the teachers.
3. We, therefore, quash and set aside the impugned order with a direction to Respondent No.3 to decide the issue with regard to the seniority of teachers working with Respondent No.2 school.

However, while doing so, the Education Officer shall not take into consideration the provisions of Government Resolution dated 25th June 1992 which was quashed and set aside by this court in the case of **Lakhwinder Kaur Gurai Vs. Garison Children Education Society, reported in 2006 (5) of Mah. L.J 332.** The same shall be done within a period of eight weeks from today. The petition is disposed of in the aforesaid terms.

(SMT.BHARATI H. DANGRE, J)

(B.R.GAVAI, J.)