

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

WRIT PETITION NO. 4135 OF 2019

Zafar Ahmed Khan Gulam Sarfaraz Khan.. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mrs. A. N. Ansari, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 and 2.

Shri L. V. Sangeet, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 04TH DECEMBER, 2019.

FINAL ORDER :

. It is undisputed that the present petitioner was appointed as Head Master in the the school namely Chandrakant Hari Bade Sir Urdu High School, Bodwad. The petitioner was terminated from service. The petitioner filed an appeal before the School Tribunal. It is submitted that, appeal is pending. The grievance of the petitioner is that, the respondent No. 4/Nadeem Khan Naseem Khan is appointed as Head Master and his services are approved. The petitioner relies on the policy decision of the State dated 22.12.1995 to contend that, during the pendency of appeal no such permanent approval can be granted to the Head Master or teacher appointed at the place of an employee whose appeal is pending before the School Tribunal.

2. Mr. Sangeet, the learned counsel for respondent Nos. 3 and 4 submits that, the respondent No. 4 is appointed as Head Master. The school is a minority school. Seniority is not required to be observed. No error has been committed.

3. It is undisputed that the present petitioner was appointed as Head master and he is terminated from service as Head Master. It is also not disputed that, appeal filed by the petitioner against his termination is pending before the School Tribunal. If appeal filed by the petitioner is allowed anomalous situation would arise.

4. In the light of the above, we observe that approval granted to the respondent No. 4/Nadeem Khan Naseem Khan as Head Master shall be read as subject to the decision in appeal pending before the School Tribunal filed by the petitioner.

5. In view of the above, the writ petition accordingly is disposed of. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]