

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

WRIT PETITION NO. 5168 OF 2018

Madhukar Vyankatrao Kulkarni Petitioner

Versus

The State of Maharashtra & ors. ... Respondents

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Mr Ravibhushan P. Adgaonkar, Advocate for the petitioner

Mrs A. V. Gondhalekar, AGP for respondent/State

Mr V. V. Bhavthankar, Advocate for respondents No. 3 and 4

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

DATE : 21ST JANUARY, 2019

ORAL ORDER:

1. Mr Ravibhushan P. Adgaonkar, learned counsel for the petitioner submits that the respondents are not abiding by the orders passed by the Education Officer dt. 14.03.2018. By virtue of the said order, the dispute about the seniority has been decided and the transfer order passed by the respondent-Institution has been directed to be cancelled.

2. Mr Bhavthankar, learned counsel for respondents No. 3 and 4 submits that, the respondent-Institution had filed appeal before the

Dy. Director of Education and the matter is remitted back to the Education Officer.

3. We have heard learned Assistant Government Pleader also.

4. The order dt. 14.03.2018 passed by the Education Officer was never stayed by the Dy. Director of Education. On the contrary the Dy. Director of Education has observed that, the Education Officer is the competent authority to decide the same.

5. Till the order passed by the Education Officer is in force, the parties are bound by the same.

6. As the Dy. Director of Education has directed the Education Officer to reconsider the issue, the parties are directed to appear before the Education Officer on 04.02.2019. The Education Officer, after hearing the parties, shall thereafter take decision afresh. Till the fresh decision is taken by the Education Officer, the parties are bound by the order dt. 14.03.2018 passed by the Education Officer. The Management shall submit the salary bills to the Education Officer with its endorsement, which would be considered by the Education Officer on its own merits.

7. The Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVALE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde