

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

21 WRIT PETITION NO.5675 OF 2018

MANOVIKAS SHIKSHAN SANSTHA KANDHAR THROUGH ITS IN
CHARGE PRESIDENT AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Patil Indrale Anand V.
AGP for Respondents State: Mr. A. R. Kale
Advocate for Respondent No.4 :Mr. Shinde Baliram B.

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

DATE : 11th March, 2019

PER COURT :

1. Heard learned Advocate for the petitioner, learned AGP for the State and learned Advocate for respondent No.4.

2. According to petitioner, the Education Officer has held the petitioner to be senior most teacher, still, instead of granting permanent approval to the appointment of the petitioner as headmaster, only temporary approval has been granted. The same is erroneous.

3. According to learned Advocate for respondent No.4, respondent No.4 is senior to the petitioner and the order of the Education officer is challenged before the Deputy Director of Education. The learned

A.G.P. submits that as the appeal is pending before the Deputy Director of Education, the Education Officer has granted temporary approval.

4. The Education Officer, before taking any particular decision, has to consider the proposal seeking approval to the appointment of the petitioner submitted by the management on its own merits. He may either grant proposal or reject the same.

5. The respondent- Education officer shall consider the proposal seeking approval to the appointment of the petitioner as Headmaster on its own merits and in accordance with law, expeditiously, preferably within three months, without being influenced by the proceedings taken up by respondent no.4 before the Deputy Director of Education.

6. Respondent No.4, if aggrieved by the order of the Education officer, determining the seniority list, he may assail it before the appropriate forum.

7. Writ petition is disposed of. No costs.

(A. M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

JPC