

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

WRIT PETITION NO. 6613 OF 2018

Savita Manmath Swami

Petitioner..

Versus

The State of Maharashtra & ors.

Respondents..

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Mr B. R. Kedar, Advocate for the petitioner  
Mr S. G. Karlekar, AGP for respondents No. 1 and 2  
Mr Vivek J. Dhage, Advocate for respondent No. 3  
Mr R. J. Godbole, Advocate for respondent No. 4

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

**DATE : 11<sup>TH</sup> JANUARY, 2019**

**ORAL ORDER:**

. Mr Kedar, learned counsel for the petitioner submits that, as per Rule 12 of the Maharashtra Employees of Private Schools Rules, it is the Education Officer who has to take decision on the seniority list. The petitioner had approached the Education Officer. The Education Officer, after hearing the parties, had directed the management to consider the objection of the petitioner and decide the seniority list. The same ought not to have been done by the Education Officer.

2. Mr Dhage, learned counsel for respondent No. 4 - Management submits that, as per the order of the Education Officer, the Management had issued notice to the petitioner. Petitioner did not remain present. The objection of the petitioner is rejected by order dt. 04.01.2018 and the same is also communicated to the Education Officer. The learned counsel further submits that, respondent No. 4 is appointed as a Headmaster and if the petitioner has to challenge the same, the petitioner has a remedy before the School Tribunal.

3. In the present case, we are not concerned with the appointment to the post of the Headmaster. The issue before us is about the seniority. As per rule 12 of the MEPS Rules, it is for the Education Officer to decide the objection and the seniority. In fact, the Education Officer ought to have decided the said objection instead of remitting back to the Management when the Management itself has forwarded the seniority list.

4. It appears that, as per the order of the Education Officer, the Management has taken a decision on the seniority list and has also communicated that to the Education Officer under order dt. 04.01.2018.

5. The Education Officer shall take final decision with regard to the seniority list submitted after hearing all the parties concerned as per Rule 12 of the MEPS Rules. The same shall be done expeditiously, preferably within a period of six months from today.

6. The parties herein shall appear before the Education Officer on 30.01.2019.

7. The writ petition is accordingly disposed of. No costs.

**[ A. M. DHAVAL ]**  
**JUDGE**

**[ S. V. GANGAPURWALA ]**  
**JUDGE**

Punde