

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

WRIT PETITION NO. 11708 OF 2018

Shivanand Nagnathappa Budale ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

.....
Mr R. R. Suryawanshi, Advocate for the petitioner
Mr Tambe, AGP for respondent/State
Mr R. D. Biradar, Advocate for respondent No. 5

.....

AND
CIVIL APPLICATION NO. 1109 OF 2019
IN
WRIT PETITION NO. 11708 OF 2018

CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.
DATE : 21ST JANUARY, 2019

ORAL ORDER:

1. The proposal seeking approval to the appointment of the petitioner as Headmaster is rejected.
2. We have heard learned counsel for the petitioner, learned counsel for respondent No. 5 and learned Assistant Government Pleader. None appears on behalf of respondent No. 4.
3. In fact, the Education Officer did not take any decision as to whether the objection of the respondent No. 5 that he is senior is

proper or not. In fact, the Education Officer ought to have decided the same before passing the impugned order. The Education Officer is empowered to take decision as per the the Rule 12 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

4. The impugned order is set aside. The petitioner and respondents No. 4 & 5 shall appear before the Education Officer on 07.02.2019. The Education Officer shall consider the say of the petitioner and respondents No. 4 & 5, and take decision with regard to the dispute about the seniority and thereafter decide the proposal seeking approval to the appointment of the petitioner as Headmaster, afresh. The same shall be done within a period of two months from the date of appearance of the parties. Till the Education Officer takes the decision, the interim order dt. 17.12.2018, shall continue.

5. The writ petition is accordingly disposed of. No costs. In view of the disposal of writ petition, the pending civil application if any stands disposed of.

[A. M. DHAVALE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE