

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

WRIT PETITION NO. 741 OF 2020

**SAMADHAN ZENDU MAHAJAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner :

Mr. S. R. Choukidar h/f. Mr. Bali Harish S.
AGP for Respondents / State : Mr. S. G. Karlekar

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**CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE: 14th JANUARY, 2020

PER COURT:

1. We have heard Mr. Choukidar, learned counsel for the petitioner.

2. The learned counsel for the petitioner submits that the petitioner had approached well in advance before the Education Officer raising objection to the seniority list. The same is not considered and approval is granted to respondent no. 5 to appoint him as Supervisor. The petitioner is senior. The aspect of seniority is not required much debate in view of the settled position of law.

3. The petitioner, in fact is challenging the appointment of respondent no. 5 on the post of Supervisor, meaning thereby that his claim is superseded. The petitioner has a remedy before the school tribunal U/Sec. 9(1)(b) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. In that event, if the petitioner files an appeal, the school tribunal can go into the aspect of seniority.

4. The petitioner may avail the alternate remedy. In that event, all contentions are kept open.

5. Writ Petition accordingly stands disposed of.
No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

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