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

24 WRIT PETITION NO.6425 OF 2020

**BHASKAR APPA RANWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr A. S. Gandhi, Advocate for petitioner;
Mr S. B. Pulkundwar, A.G.P. for respondent Nos.1 & 2

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 2nd August, 2021

PER COURT:

1. None appeared before us on behalf of respondent No.3 today.
2. We have considered the submissions of the learned Counsel appearing on behalf of the petitioner and the learned A.G.P. on behalf of respondent Nos.1 and 2.
3. The issue raised in this petition is, that though the petitioner has officiated as the Incharge Headmaster of the New English School, Kankuri, Tq. Rahata, Dist. Ahmednagar, the Management, respondent No.3 did not forward his proposal to the Education Officer for

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approval as a Headmaster. A letter dated 09/03/2021 is pointed out by which the Education Officer has directed respondent No.3 to provide the necessary papers so as to consider granting approval, as a Headmaster, to the present petitioner. On the same date i.e. 09/03/2021, as the Education Officer noticed a letter from respondent No.3, dated 25/02/2021, suggesting that Shri. Sajan Sawalaram Rahane be granted approval as the Incharge Headmaster, he informed respondent No.3 to submit the papers of the present petitioner considering his seniority so as to enable him to take a decision. It is undisputed that the petitioner has superannuated on 31/05/2021. He claims that he was officiating as the Headmaster of the said school till his retirement.

4. It is beyond debate that the senior most teacher is eligible to be the Headmaster of a school. If the senior most teacher declines to shoulder the said responsibility, the next senior most teacher is called upon to give his consent.

5. The learned Advocate for the petitioner points out an order passed by the Education Officer, dated 10/11/2020, communicated to

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respondent No.3 that as the present petitioner is the senior most eligible teacher to be appointed as the Headmaster, the request of the Management to grant approval to Shri. S. S. Rahane as Incharge Headmaster, stands rejected.

6. In view of the above, this petition is disposed off with the following directions :-

a) The respondent - school shall submit the seniority list of the teachers as in June 2020, since when the petitioner was officiating as the Headmaster, to respondent No.2 – Education Officer (Secondary), Zilla Parishad, Ahmednagar, on or before 31/08/2021.

b) The petitioner as well as the authorized representative of respondent No.3 shall appear before respondent No.2 on 06/09/2021 at 2.00 p.m.. After hearing the parties, the Education Officer would consider as to who amongst the two i.e. the petitioner and Shri. S. S. Rahane, was the senior most teacher and if it is noticed that petitioner was the senior most teacher, approval shall be granted to him as the Headmaster of

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the school since he was discharging functions of the Headmaster from June 2021 on-wards.

c) If the conclusion as above is arrived at, the Education Officer shall (i) fix the pay-scale of the petitioner as the Headmaster, (ii) direct payment of arrears of salary and (iii) would also direct the Management to forward the pension papers of the petitioner, subject to due compliance by respondent No.3 – school, all within four weeks from the passing of his order and which shall be complied with by the Management, without fail.

(d) Needless to state, if it is proved on the basis of the record that the petitioner was not the senior most teacher, naturally he would not be entitled to the benefits as are available to the Headmaster.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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