

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

17 WRIT PETITION NO.13299 OF 2021
WITH CA/10090/2022 IN WP/13299/2021

GROAKSHNATH DASHRATH UGLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. R. R. Karpe, h/f Mr. Sandeep D. Munde.

AGP for Respondent Nos.1 to 3 : Mrs. R. P. Gaur.

Advocate for Intervenor : Mr. R. B. Temak.

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CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.

DATE : 28th November, 2022.

P.C.:

1. We have perused the extensive reported judgment dated 9th April, 2019 delivered by this Court at the Principal Seat in *Writ Petition No.14242 of 2018 (Mrs. Gaur Pratibha (Ms. Thakur Pratima Jagatsingh) and Ors. Vs. The State of Maharashtra through the Secretary and Ors.)* and connected matters. The said judgment has been sustained by the Honourable Supreme Court vide order dated 6th May, 2019 delivered in *Petition for Special Leave to Appeal (C) No.10720 of 2019 (Pawar Mahadeo Shankar Vs. B. ED Niyukta Madhyamik Shikshak Sangh & Ors.)*. We have also perused the Government Resolution dated 3rd May, 2019. It is thus, settled law.

2. We have perused the impugned advisory note issued by the Under Secretary, State of Maharashtra, Department of School, Education and Sports dated 19th October, 2019. The said advisory note is perfectly in tune with the judgment delivered by this Court in ***Mrs. Gaur Pratibha (Ms. Thakur Pratima Jagatsingh)*** (supra).

3. The learned advocate for the petitioners vehemently contended that the impugned advisory is against the law laid down by this Court in ***Mrs. Gaur Pratibha (Ms. Thakur Pratima Jagatsingh)*** (supra). We do not find that such advisory could be termed as being a step in opposition to the law laid down by this Court. The learned advocate for the petitioners submitted that the petitioners apprehend mischievous acts on the part of the management, by upsetting the seniority list in favour of the Intervenors, who are before this Court in Civil Application No.10090 of 2022.

4. A Writ of Mandamus cannot be issued on assumptions and presumptions or apprehensions borne out by the petitioners. If the seniority list is disturbed, the aggrieved employees have to approach the Education Officer. The Education Officer is empowered to deal with the said grievances. If the aggrieved parties find that their grievances are not redressed even by the Education Officer, they are at liberty to approach this Court, provided no further adverse steps are

initiated by the management resulting into a cause of action under Section 9 of the MEPS Act, 1977, due to which the aggrieved party then has to approach the learned School Tribunal.

5. In view of the above, this petition is disposed off.

6. The pending civil application does not survive and stands disposed off.

nga [SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]