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

WRIT PETITION NO.7854 OF 2022

**BAPURAO SANGRAM HAKKE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
SECRETARY AND OTHERS**

....

Mr K. J. Ghute Patil, Advocate for petitioner;
Mr S. G. Karlekar, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 28th July, 2022

PER COURT:

1. The petitioner has put forth prayer clause (B), which reads as under :-

“B) The respondents No.2 to 4 may kindly be directed to consider claim of the petitioner for appointment of Headmaster of the Secondary School according to the provisions of rule 3 r/w Sch-F, category-C of the M.E.P.S. Rules in the light of the judgment and order passed by the Hon’ble Supreme Court in the case of Ku. Bhavna vs. the State of Maharashtra reported in 2019 SCC Online 9.”

2. This petition has been filed in anticipation of a vacancy of the Headmaster, since the incumbent Headmaster is to retire on 30/07/2022. The petitioner contends that, he is senior to another

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teacher available. He has requisite qualifications and he anticipates that the Management would promote the case of respondent No.5. He submits that, he intends to file a detailed representation to the Education Officer on this issue. He has filed his representation dated 08/06/2022, to the Management, making out a case, that he is the only eligible candidate to be appointed as the Headmaster.

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

4. If the petitioner tenders a representation to respondent No.2, the same may be considered by strictly following the procedure laid down in law and the Education Officer shall scrupulously apply the Maharashtra Employees of Private Schools (Conditions of service) Rules, 1981, while deciding the application and after hearing all concerned with this issue.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

sjk