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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8009 OF 2022

Dnyaneshwar Nivrutti Talpade and Anr Petitioners

Vs.

The State of Maharashtra and Ors. Respondents

Mr. N.V.Bandiwadekar i/b Ms.Ashwini N. Bandiwadekar for the
Petitioners

Mr.S.B.Kalel, A.G.P. for the State

**CORAM: S.V.GANGAPURWALA &
R.N.LADDHA, JJ.**

DATED : SEPTEMBER 15, 2022

P.C.

1 The proposal seeking approval to the appointment of the
Petitioner as a Head Master is rejected.

2 We have heard the learned counsel for the Petitioner and the
learned A.G.P.

3 Earlier person appointed as Head Master Mr.Tayade Hiranman
Chindu could not produce validity certificate. His caste claim was
rejected, as no such question arises of the Management producing
the approval of Mr. Tayade, as Head Master. It is submitted by

Petitioner that the approval granted to the appointment of Petitioner as Assistant Teacher was submitted to the Education Officer. The G.R. dated 07.05.2021 is relied. However, the authority will have to consider the roster point and the reservation for the post of Head Master as per the provisions of MEPS Act and Rules. If as per the roster point, post is reserved for ST then person from ST candidate will have to be promoted as Head Master.

4 Authority will have to check whether any other person from ST category is senior to the Petitioner. The person from other reserved category or general category will not have right to the post. These aspects will have to be considered.

5 Impugned order is quashed and set aside. Education Officer shall re-consider the proposal in light of the observation made above and shall decide afresh preferably within four months. It is submitted that Petitioner was given signing authority. Same shall continue till the proposal is decided.

6 Writ Petition is disposed of. No costs.

(R.N.LADDHA, J.)

(S.V. GANGAPURWALA, J.)