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

WRIT PETITION NO. 9773 OF 2021

Smt. Suvarna Tukaram Sadigale ... Petitioner
V/s.
The State of Maharashtra and Ors. ... Respondents

Mr. Ajay A. Joshi a/w. Pranali Railkar for the Petitioner
Mr. N.C. Walimbe, AGP for the Respondent – State

***CORAM : NITIN JAMDAR &
AMIT B. BORKAR, JJ.***

***DATE : 5 JANUARY 2022
(Through Video Conferencing)***

P.C. :-

Heard the learned Counsel for the parties.

2. For the orders that is proposed to be passed, it is not necessary for us to issue notices to the unrepresented Respondents.

3. The Petitioner is desirous of being transferred from the unaided post in the Respondent – Educational Institute to the aided post. This benefit, according to the Petitioner, is available to the seniormost teacher in the seniority list. The Respondent – Management has placed the Respondent No.7 ahead of the Petitioner in the seniority list in respect of which the Petitioner has

raised a dispute and has made the representations on 16 September 2020 and 29 September 2020 to the Respondent – Education Officer (Primary), Zilla Parishad, Solapur, which are pending.

4. The learned Counsel for the Petitioner informed that the Respondent No.7 by virtue of placement in the seniority list is now transferred on the aided post. Till the claim of the Petitioner of being senior to the Respondent No.7 is determined, no fault can be found in the placement for the order in favour of the Respondent No.7 and not in favour of the Petitioner. However, since the dispute raised by the Petitioner through representation is pending before the Educational Officer, we dispose of this Petition with a direction to the Respondent – Education Officer to decide the representation of the Petitioner within a period of eight weeks from the date the order of the Court reaches it. Order of the Respondent No.7 which is already made will be subject to the outcome of the representation made by the Petitioner.

5. We make it clear that we have not commented on the merits of the Petitioner's or the Respondent No.7's claim as regard the seniority.

6. The Writ Petition is accordingly disposed of.

AMIT B. BORKAR, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

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