

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4652 OF 2021

1) Shri Angesh Mahadeo Behalpade,
Aged 53 years,
Occupation-Service,
R/o. At Post Murmadi, Shrinagar,
Tah. Lakhani, Distt. Bhandara.

2) Ujwal Bahu-Uddeshiya Shikshan
Sanstha, Amgaon Dighori,
Tah. + Distt. Bhandara,
through its Secretary Shri Devanand
Bhanudas Chaudhari.

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Petitioners

.. Versus ..

1) State of Maharashtra,
Through its Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai-32.

2) Commissioner of Education,
Maharashtra State, Central Building
Near Railway Station, Pune.

3) The Director,
Secondary and Higher Secondary
Education, Central Building,
Near Railway Station, Pune
Maharashtra State, Pune.

4) Senior Technical Director,
National Informatics Centre,
Near Savitribai Phule Pune University,
Pune.

5) Deputy Director of Education,
Nagpur Division, Balbharti Building
Dhantoli, Nagpur.

6) Education Officer (Secondary),
Zilla Parishad, Bhandara.

.. Respondents

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Shri U.J. Deshpande, Advocate for the petitioners,
Ms. H.N. Jaipurkar, A.G.P. for respondent nos.1 to 3, 5 and 6,
None for respondent no.4 though served.

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CORAM : A.S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.
DATED : 22.03.2022.

ORAL JUDGMENT (Per : A.S. Chandurkar, J.)

Rule. Rule made returnable forthwith. Heard the learned counsel for the parties.

2. The petitioner no.1 was appointed as an Assistant Teacher at the school run by the petitioner no.2-Society on 27.07.1991. The service of the petitioner no.1 was thereafter duly approved. In the year 2021, as per the seniority list of the teachers, the petitioner no.1 was senior-most Assistant Teacher at the school when the earlier Headmaster retired. The petitioner no.1 claimed entitlement to that post. In the staff approval order for the Session 2020-2021 against the post of Headmaster, an Asteric (*) mark was shown. A request was made to the Education

Officer to correct that mistake. The petitioner no.2, through Education Officer (Secondary) had forwarded a letter for taking necessary steps to correct the staff approval. The Director of Education, by communication dated 17.8.2021 issued to the respondent no.4-Competent Authority, directed the said authority to remove the Asteric mark against the post of Headmaster. Since there was no further compliance of these directions, the petitioners have filed this writ petition.

3. After notice was issued, an affidavit has been filed by the Education Officer (Secondary) stating therein that pursuant to the proposal forwarded to the Director of Education, the communication dated 17.8.2021 has been issued by the Director of Education to the respondent no.4 requiring the corrections to be made. It is further stated that on such corrections being made, steps would be taken to consider the grant of approval to the appointment of the petitioner no.1 on the post of Headmaster. There is no affidavit filed on behalf of the respondent no.4 despite service.

4. In view of aforesaid, the interests of justice would be served by passing the following order :

ORDER

- (i) In terms of the communication dated 17.8.2021 issued by the Director of Education to the respondent no.4-Senior Technical Director (NIC) Pune, said respondent no.4 shall carry out

necessary corrections in the staff approval for the Session 2020-2021.

- (ii) The respondent no.4 shall take immediate steps in that regard within a period of four weeks from the date of receipt of copy of this judgment.
- (iii) After such correction is carried out, the Education Officer (Secondary) shall consider the proposal for grant of approval to the appointment of the petitioner no.1 on the post of Headmaster.
- (iv) With these directions, the writ petition is disposed of.
- (v) Rule is made absolute in the aforesaid terms. No costs.

[SMT. M.S. JAWALKAR, J.]

[A.S. CHANDURKAR, J.]

Gulande