

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

WRIT PETITION NO. 3426 OF 2022

Sau. Chhaya Ajay Dhole

-- Petitioner

Vs.

The Deputy Director of Education, Amravati
and others

-- Respondents

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V.N. Patre, Advocate for Petitioner

Mr. A.a. Madiwale, AGP for Respondent Nos.1 and 2

CORAM : AVINASH G. GHAROTE, J.

DATE : 10th OCTOBER, 2022

The only grievance is that while determining the seniority, the Education Officer has not applied the provisions of Rule 12 read with Schedule F of the Maharashtra Employees of Private School (Condition of Service) Rules 1981. A perusal of the impugned order dt. 08/08/2021, (page 90) indicates that the claim of seniority of the petitioner has been rejected on the ground of her having being appointed in category 'D' of Schedule 'F'; on pay scale 290-540, as a Primary Teacher at that time. Surprisingly, the impugned order does not consider anything else, neither the educational qualifications of the petitioner nor her comparative position in the seniority list or her entitlement thereto. In the case of **Sunil S/o Pandhari Nagrare Vs. State of Maharashtra and others** reported in 2020(6) Mh.L.J. 675,

this Court has laid down that the determination of the claim for seniority has to be strictly in consonance with the basis of entry in service and continuous of officiation when the seniority is for Primary Teachers, and in the case of Secondary School Teachers the seniority has to be determined on the basis of entry in categories A to H.

2. The impugned order does not indicate that the said position has been taken into consideration in view of which the same is hereby quashed and set aside and the matter is remanded back to the Education Officer for enquiry in the light of what is stated in the case of **Sunil Nagrare Vs. State of Maharashtra** (supra).

3. The Education Officer shall decide the issue before him by 21/10/2022, till which time the interim order dt. 23/09/2022 shall continue.

4. The parties are directed to appear before the Education Officer on 12/10/2022 at 11:30 AM.

(AVINASH G. GHAROTE, J.)

MP Deshpande