

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO.3122 OF 2020

SIDDIQUI AHMEDUDDIN MOINUDDIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. V.S. Panpatte
AGP for Respondents 1 and 2: Mr. S.G. Sangle
Advocate for Respondent No.3 : Mr. D.S. Bagul
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 13th JANUARY, 2023.**

PER COURT :-

1. The petitioner is admittedly at Sr. No.5 in the seniority list. The contention is that the senior most teachers at Sr. No. 2, 3, and 4 have given their no objection to the management, indicating their disinclination for becoming the Head Master. The senior most teacher has already filed an appeal before the School Tribunal alleging supercession, since the present petitioner was installed as Head Master by the educational institution.
2. We have considered the strenuous submissions of the learned advocates for the respective sides.
3. Since the senior most teacher has approached the school Tribunal at Latur, we do not find that the Education Officer has committed any error in recording that the petitioner cannot be granted

approval as the Head Master of the school. Needless to state, the petitioner is already a respondent in the proceeding before the School Tribunal. Yet, in these circumstances, the senior most teacher has not been arrayed as respondent in the present matter, who has already initiated litigation and the petitioner is the respondent in the said litigation.

4. Considering the above, on merits, we do not find that the impugned order could be termed as being perverse or erroneous. Similarly, this petition cannot be entertained for the reason of non joinder of necessary party.

5. Nevertheless, as the Education Officer has given provisional authority to the Petitioner as to signing of the salary bills and status quo is to be maintained until the School Tribunal decides the case of the senior most teacher, this petition stands disposed off.

6. The learned advocate for the petitioner submits that he would donate an amount of Rs.3,000/- (Rupees Three thousand) to the Advocates' Association of Bombay High Court, Bench at Aurangabad.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/