

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8728 OF 2022
(Shivaji Harishchandra Aade Vs. The State of Maharashtra, Through
Principal Secretary and others)
WITH CIVIL APPLICATION NO.15578 OF 2022
WITH CIVIL APPLICATION NO.14300 OF 2022

Mr.D.K.Rajput, Advocate for the petitioner/applicant.
Mr.S.K.Tambe, AGP for respondent Nos. 1 and 2.
Mr.N.K.Tungar, Advocate for the respondent/petitioner in writ petition.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : JANUARY 20, 2023

PER COURT :

1. We have considered the submissions of the learned Advocates for the respective sides. Though the Management has been served, no appearance has been entered either in person or through an Advocate.

2. This petition is in a narrow compass. Undisputedly, the petitioner is not the senior most teacher. Undisputedly, the applicant seeking intervention is the senior most teacher. The petitioner was appointed as an Incharge Principal.

3. By the impugned order, passed after hearing all the parties, the Education Officer directed the Management to submit the proposal of the senior most teacher who is eligible to be appointed as the HM.

4. Having considered the submissions of the learned Advocates and in the light of the Law applicable, the impugned order cannot be faulted. Same was passed after hearing all the parties. The Management has been directed to send the proposal of the senior most teacher who is Rajendra Sayaji Ahire, for approval as HM.

5. We are, however, informed that the petitioner is the Incharge HM. The Management has still not sent the proposal. In this peculiar situation, we direct the Management to send the proposal of the senior most eligible teacher for appointment as HM and approval, on or before 04.02.2023. Thereafter, the Education Officer would consider the records and if required, hear the stake holders, only if there is a serious dispute as regards who is the senior most teacher. Pursuant to such exercise, the Education Officer would pass a final order granting approval to the senior most eligible teacher as HM, on or before 28.02.2023. During this period, the present petitioner, who is the

Incharge HM, would continue and would vacate office after office hours on 28.02.2023.

6. The pending civil application would not survive and stands disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)