

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

930 WRIT PETITION NO.14108 OF 2021
WITH
CIVIL APPLICATION NO.14469 OF 2022

SUREKHA NAMDEVRAO SHINGANKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.B.V.Thombre h/f Mr.S.R.Kolhare, Advocate for the applicant.
Mr.V.M.Kagne, Advocate for respondent Nos. 1 and 2.
Mr.C.K.Shinde, Advocate for respondent No.4.

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

DATE : JANUARY 20, 2023

PER COURT :

1. We have heard the learned Advocates for the respective sides.
2. During the pendency of the writ petition, the Education Officer has passed an order dated 23.06.2021. Pursuant to such order, the employer / Management has issued orders promoting another candidate as HM. By this order, the petitioner claims to have been superseded as the petitioner has averred that she is entitled to be appointed as a HM.

3. In view of the above, as an order of appointing a co-employee as HM, has been issued and the petitioner has suffered super-cession, the petitioner will have to approach the School Tribunal.

4. The learned Advocate for the petitioner submits that this petition may be disposed off by recording that the time spent by the petitioner in this Court should be considered as a ground for condonation of delay, if any.

5. In view of the above, this petition is disposed off. If the petitioner approaches the School Tribunal by preferring an appeal u/s 9 of the MEPS Act, 1977, the time spent by the petitioner in this Court from the date of the impugned order passed by the Management, would be considered as a good ground for condonation of delay, if any. All contentions of the parties on the merits of the claim are kept open.

6. Civil application would not survive and stands disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)