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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

42 WRIT PETITION NO.12194 OF 2022

**LAHU DNYANOBA KAWALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

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Mr V. D. Salunke, Advocate for petitioner;
Mr S. G. Karlekar, A.G.P. for respondent Nos.1 & 2
Mr S. B. Solanke, Advocate for respondent No.3

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

DATE : 16th January, 2023

PER COURT:

1. It is the contention of the petitioner that, he is the senior most teacher as per the seniority list. According to him, neither his seniority is questioned, nor is the seniority list assailed before any authority. In the absence of any controversy, the Education Officer is hesitating to take a decision of granting approval to the appointment of the petitioner as 'Headmaster' by promotion.

2. Since it is well settled and is not open for any debate that the senior most teacher, save and except, on account of any legal impediment, is legally entitled to be a 'Headmaster', and since the

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present petitioner has already been promoted in the said capacity, it would be appropriate for the Education Officer, in such circumstances, to take a decision expeditiously. Unnecessary delay in taking a decision on the approval, in the backdrop of the proposal of approval having been forwarded by the Management, would not augur well for the organization as well as for the Teachers and students.

3. As such, this petition is disposed off with a direction to respondent No.2, to consider the proposal forwarded by the Management, on it's own merits and by considering the entire record as regards the seniority of the teachers. He shall arrive at a decision with reasons, on or before 15/02/2023. Such order would be communicated to the Management within one week from the date of the order.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

sjk