

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

924 WRIT PETITION NO.14559 OF 2023

**KALPANA TATYARAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS**

...
Advocate for Petitioner : Mr. Ajay Shantaram Deshpande
GP for Respondents: Mr. A.B. Girase
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRADE, JJ.
DATE : 30th November, 2023**

PC. :-

1. There is no dispute that the School Education and Sports Department vide notification dated 24.03.2023 have amended entry 2 in the M.E.P.S. Rules, 1981 with reference to Category "C". As a consequence, the Education Officer (Secondary) directed the Management vide communication dated 19.04.2023, to update the seniority list in the light of the amendment.

2. The grievance of the Petitioner is that a proposal of one Smt. Pramila Bhosale has been recommended as Headmistress. According to the Petitioner the recommendation would not stand in the teeth of the amendment. The learned advocate for the Petitioner submits that though an amendment is always applicable prospectively if it results in causing any prejudice to the

employees in relation to their existing service conditions, the amendment at issue has been a result of the judgment of the Hon'ble Supreme Court dated 09.12.2020 delivered in **Civil Appeal No.3966/2020 (Madhavi V/s. Chagan and Ors.)**

3. The learned GP submits that the Education Officer will consider the law applicable, more specifically, the view taken by the Hon'ble Supreme Court in **Madhavi** (supra). The Petitioner as well as Smt Pramila Bhosale, along with the Management, would be given an opportunity of hearing and thereafter, by a reasoned order he would arrive at a conclusion.

4. In view of the above, **this petition is disposed off.**

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]