

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2577 OF 2023

Prashant Harishchandra Waghmode & Ors. ...Petitioners

Versus

The State of Maharashtra,
through the Secretary, Dept. of Education
& Sports & Ors. ...Respondents

Mr. Nilesh Desai a/w. Mr. Saurabh Pakale i/by Ms. Padmaja Malgaonkar
for the Petitioners.

Mr. Pramod G. Kathane for Respondent Nos.2 to 6.

Ms. S. D. Vyas, AGP a/w. Ms. P. J. Gavhane, AGP for the Respondent
(State).

CORAM : G. S. KULKARNI,
JITENDRA JAIN, J.J.

DATE : 4th NOVEMBER, 2023.

P.C.

. We have heard learned counsel for the Petitioners. This
petition is filed praying for the following reliefs:-

“(a) That this Hon’ble Court be pleased to exercise powers vested in it under Article 226 of the Constitution of India and issue a writ of Mandamus and/or Writ in the nature of Mandamus, order and direction directing Respondent Nos.2 and 3 to revert/degrade them from the post of Graduate Teacher to the post of Asst. Teacher and post them in the Zilla Parishad Primary School in their respective Talukas;

(b) That pending the hearing and final disposal of this Petition, this Hon’ble Court be pleased to direct Respondent Nos.2 and 3 to revert/degrade them from the post of Graduate Teacher to the post of Asst. Teacher and post them in the Zilla Parishad Primary School in their respective Talukas;

(c) Ad-interim or interim relief in terms of the prayer clauses (b) above;

(d) Costs of the petition may be provided for the Petitioners.”

2. Learned counsel for the Petitioners submits that the Petitioners have already made a representation to the Education Officer. Our attention in that regard is drawn to page Nos.70 and 71 of the petition. He fairly submits that the interest of justice would be served, if at this stage of the proceedings, the Education Officer/Chief Executive Officer is directed to decide the Petitioners' representation in regard to the Petitioners' grievance on his demotion from the post of Graduate Teacher to an Assistant Teacher. We find that the Petitioners also need to make an appropriate extensive representation to the Chief Executive Officer (CEO). Thus, in addition to the earlier representation as made by the Petitioners to the CEO, if the representations are so made, the CEO shall take into consideration the extensive representations and after hearing the Petitioners, pass an appropriate order in accordance with law.

3. Let such decision on the Petitioners' representation be taken within a period of 4 weeks of the representation being received by the CEO of the Zilla Parishad.

4. All contentions of the parties are expressly kept open.

5. The representation be decided independently and without any bearing as to any pending proceedings and more particularly proceedings of Writ Petition No.6908 of 2014.

6. Disposed of in the above terms. No costs.

[JITENDRA JAIN, J.]

[G. S. KULKARNI, J.]