

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11720 OF 2023

Kashinath Bhaurao Jopale,]
Age : 53 yrs., Occ.: Service,]
R/at Devkisan Row House No.5,]
Plot No.9-10, Om Nagar, Dasak,]
Jail Road, Nashik Road, Nashik-422101.] **.. Petitioner**

Versus

1. The Education Officer (Secondary),]
Zilla Parishad, Nashik.]
2. Chairman/Secretary,]
Tarun Aikyamandal Panchavati, Nashik]
3. Headmaster,]
Shri Ram Vidyalay and Junior College,]
Panchavati, Nashik – 422 003.]
4. Raghunath Rambhau Surse,]
Age : 55 years, Occ. : Service,]
Shri Ram Vidyalay and Junior College,]
Panchavati, Nashik – 422003.] **.. Respondents**

Mr. Sanjeev Kumar B. Deore for the Petitioner.

Mr. N.C. Walimbe, Addl. G.P., with Ms. A.A. Purav, AGP, for the Respondent-State.

Mr. N.V. Bandiwadekar, Sr. Advocate, i/by Ms. Ashwini Bandiwadekar, for Respondent Nos.2 to 4.

CORAM : A.S. CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ

DATE : 18TH DECEMBER, 2023.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. RULE. Rule made returnable forthwith and, by consent, heard learned counsel for the parties. Mr. Walimbe, learned AGP waives notice for respondent no.1-State and Ms. Ashwini Bandiwadekar, learned Advocate waives notice for respondent nos.2 to 4.

2. The only relief sought by the petitioner is for adjudication of the complaint made by the petitioner under Rule 12(3) of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, raising a grievance as regards his seniority vis-a-vis that of the 4th respondent. The complaint in that regard has been made on 9th May 2023 and the same is stated to be pending.

3. In these facts, the Writ Petition is disposed of by directing the 1st respondent to decide the complaint dated 9th May 2023 made by the petitioner under Rule 12(3) of the Rules of 1981. The complaint shall be decided after giving due opportunity of hearing to all concerned parties, who are likely to be affected by the adjudication of this complaint. Since the petitioner is to superannuate on 1st March 2024, the complaint be decided by 31st January 2024 on its own merits and in accordance with law.

4. Rule is disposed of in the aforesaid terms.

[FIRDOSH P. POONTWALLA, J.]

[A.S. CHANDURKAR, J.]