

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 143 OF 2020

(for fixing early date of hearing)

IN

WRIT PETITION NO. 6629 OF 2009

Bharat Sahebrao Nalage

...Petitioner

: V/s :

Patkulkar Annasaheb Gajanan and
Ors.

...Respondents

Mr.. I.M. Khairdi a/w. Mr. Sachin P. Patil, Advocate for the applicant.

Mr. Vinayak Kumbhar, Advocate for Respondents no.1 to 3.

Mrs. Vaishali Nimbalkar, AGP for Respondents no.4 to 6.

CORAM : SANDEEP V. MARNE, J.

Dated : 8 August 2023.

P.C. :

1. The present Civil Application is filed for expediting the hearing of the present petition. The petition is admitted by order dated August 27, 2010.

2. The petition challenges judgment and order dated July 14, 2009 passed by the School Tribunal, Solapur allowing the Appeal of Respondent no.1 with a direction to appoint Respondent no.1 on the post of Head Master. It is Petitioner's contention that he is senior to Respondent no.1 and was entitled to be appointed as Head Master. I have gone through the impugned judgment and order of the Tribunal. The Tribunal has arrived at the finding that the Petitioner is senior to Respondent no.1. However, the Tribunal appears to have undertaken the exercise of carrying out comparative assessment of the Petitioner and Respondent no.1 and has arrived at the conclusion that the Respondent no.1 was more suitable to be appointed on the post of Head Master with backwages and all consequential benefits.

3. The short issue that would therefore arise is what is the exact method by which the post of Head Master is to be filled in. Another issue that would arise is whether the Tribunal was justified in carrying comparative assessment, which is required to be carried out by the employer. Since the issue involved in the present petition is short, the hearing of the petition can be expedited. List the petition for final hearing on **October 10, 2023**.

4. With the above directions, the Civil Application stands disposed of.

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SANDEEP V. MARNE, J.