

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1327 OF 2022

(SATISH BAHADURSINGH JADHAV..VS.. LOK-SHIKSHAN SANSTHA KINGAON-RAJA & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.D.Mohagaonkar, Advocate for the Petitioner.
Shri P.S.Patil, Advocate for Respondent No.1.
Shri D.P.Thakre, Addl. G.P. for Respondent No.2.
Shri P.A.Kadu, Advocate for Respondent No.3.
Shri N.B.Kalwaghe, Advocate for Respondent No.6.

CORAM : ANIL S. KILOR, J.

DATED : JULY 31, 2023.

1. Heard.

2. The judgment and order dated 22/10/2021 passed by Presiding Officer, School Tribunal, Amravati in Appeal No.15 of 2019 filed by one Dinkar Vithoba Waghmare raising a challenge to the promotion order dated 31/06/2018 of respondent No.2-Bhagwan Kisan Mhaske, thereby allowing the appeal and setting aside the promotion of the respondent No.2, is under challenge in this writ petition.

3. The petitioner was respondent No.5 in the said appeal and in the present petition the grievance is raised to the extent of operative order clause (2) of the judgment and order dated 22/10/2021, which reads thus:

“(2) The respondent management shall prepare and get approved the seniority list and the Bindunamavali as per M.E.P.S. Act 1977 and Rules 1981, and promote the candidate from reserve category by

ascertaining which Bindu (point) is to be applied, to the vacancy arose to be filled in from which reservation category within 60 days from today.”

4. It is the case of the petitioner that as the petitioner was promoted as Headmaster, such direction would affect his rights and such directions were not issued considering the fact that the petitioner was working as Headmaster.

5. Considering the limited grievance raised by the petitioner and after going through the record, it is evident that on the date when the appeal was decided by the learned Tribunal the petitioner was in-charge Headmaster and not working as regular Headmaster. The petitioner was appointed as regular Headmaster on 1st January 2022 i.e. much after the impugned judgment and order was passed.

6. The learned counsel for the respondent No.1 informs the Court that the proposal for grant of approval to the appointment of the petitioner as Headmaster was subsequently rejected.

7. In the above referred backdrop, Clause (2) of the operative part of the impugned order cannot be said to be against the petitioner for the simple reason that on the date of passing of such directions the petitioner was not

holding the post of Headmaster. But, his appointment is much subsequent to the order passed by the Tribunal and therefore, the present petition, at the behest of the respondent No.5/petitioner is not tenable.

8. As far as any grievance as regards rejection of the approval of the petitioner for the post of Headmaster is concerned, a separate remedy is available, which the petitioner may avail. Accordingly, I pass the following order:

- i) The Writ Petition is disposed of.
- ii) The petitioner is at liberty to avail appropriate remedy before the appropriate forum, as permissible in law.

The Writ Petition is **disposed of** accordingly.
No order as to costs.

In view of disposal of the writ petition, Civil Application (CAW) No. 2292 of 2023 does not survive, hence, it is **disposed of**.

JUDGE