

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO. 2621 OF 2024

CHANDRAHAS VITTHALRAO METE ARYA

VERSUS

THE STATE OF MAHARASHTRA THROUGH PRINCIPLE
SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Awale Girish L.
AGP for Respondent Nos. 1 to 3 : Mr.S.B.Pulkundwar
Advocate for Respondent No. 5 : Mr. V.G. Kodale

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CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.

DATE : 08rd MARCH, 2024.

PER COURT :

1. Heard the learned Advocate for the petitioner, learned AGP for Respondent Nos. 1 to 3 and learned Advocate for respondent No. 5.

2. Learned Advocate for respondent No. 5 placed on record the order of approval of respondent No. 5 as Head Master from 01.01.2024. Said order came to be passed on 31.01.2024. He also points out that though in the Writ Petition No. 11243 of

2023 by the Principal seat at Bombay an order came to be passed on 07.09.2023, regarding seniority lists prepared prior to the notification dated 24.03.2023 were stayed yet in the same matter on 18.01.2024, the clarification has been issued that the said order passed on 07.09.2023 should be interpreted as restricted to respondent No. 4 the Management in that matter only. Therefore, the petitioner cannot take advantage of the said order. He further points out that the order of this Court in Writ Petition No. 2021 of 2021 passed on 03.02.2023 wherein, it is clearly stated that when the seniority declared by the authority is altered serial number and allegedly lowered below the person, who is then shown as senior most and appointed as Head Master of School, then in such circumstances there is a statutory remedy available under Section 9 (1) (b) of the Maharashtra Employees of Private School (Conditions of Services) Regulation Act, 1977 and the Rules thereunder, 1981 before the School tribunal.

3. In view of these statements the learned Advocate for the petitioner submits that the petitioner would approach the School Tribunal by preferring appeal under Section 9 of the

MEPS Act, within a week.

4. In view of the above situation, the petition is disposed of as withdrawn, with liberty to the petitioner as prayed. Since a ground has been taken by the petitioner challenging the seniority list and now he wants to approach the School Tribunal in appeal, in case an appeal, if any, filed before the School Tribunal, the School Tribunal should consider the pendency of the present petition as a good ground. The application for condonation of delay, if any, would be decided by the School Tribunal and also the appeal to be decided as expeditiously as possible.

5. In case any interim relief is prayed, then that may also be considered by the School Tribunal.

6. All contentions of the parties are kept open.

(S.G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE