



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

78 CONT. PETITION NO. 653 OF 2024
IN WP/2187/2024

RAJENDRA RADHUJI NIKALE
VERSUS
THE STATE OF MAHARASHTRA NTSECRETARY, SCHOOL EDUCATION AND
DEPARTMET MANTRALAYA MUMBAI

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Advocate for the Petitioner : Mr. Rathod Abhay Rajaram
GP for Respondents/State : Mr. A.B. Girase a/w. S.K. Tambe, AGP
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CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 23rd July, 2024

PC. :-

1. We have heard the extensive submissions of the learned advocate for the Petitioner and the learned GP.
2. To put things in proper perspective, we deem it appropriate to reproduce prayer clause-B & C in Writ Petition No.2187/2024 which was considered by a Coordinate Bench of this Court, here-under:

“B) By issue of appropriate writ of mandamus, or direction in the nature of writ of mandamus kindly direct the respondent no.3 to decide the claim of seniority of the petitioner within a prescribed period of three months in the interest of justice and for that purpose issue necessary orders.

C) Pending hearing and final disposal of the present writ petition, kindly direct the respondent no.3 to call for objections and record and proceedings on the seniority list at Exhibit A from respondent no.4 and for that purpose issue necessary directions.”

3. We have perused the representation dated 28.09.2023, addressed by the Petitioner to the Management and a copy served on the Respondent No.3-Education Officer. The learned advocate for the Petitioner makes a categorical statement that the seniority list was finalised and his grievance against the same should be dealt with by the Education Officer.

4. We find from the order dated 26.02.2024, passed in Writ Petition No.2187/2024, disobedience of which is alleged before us, that the Education Officer made a specific statement before this Court that he would deal with the grievance of the Petitioner within three months. Apparently, he has not done so. As such, *prima facie*, Respondent No.3-Ashok Kadus, Education Officer (Secondary), Ahmednagar has disobeyed our order. However, we are giving him the benefit of doubt because it is submitted that he felt that there was no representation addressed to him and nothing was pending before him. Oblivious of the fact that the final seniority list was challenged by the Petitioner before him, he re-directed the Petitioner to the Management and faltered. It is settled law that a dispute as regards the final seniority list can be raised before the Education Officer and after he passes an order, the aggrieved party can

approach this Court. (Read St. Ulai High School and Anr. V/s. Devendraprasad Jagannath Singh; 2007 (1) Mh.L.J. 597).

5. In the above circumstances, this Petition is disposed off, which is at a pre-notice stage. We expect Respondent No.3 to deal with the complaint of the Petitioner dated 28.09.2023, copy of which is served upon him long ago and shall follow the due procedure laid down in law and deal with grievance of the Petitioner as regards the final seniority list. All contentions of the parties shall be taken into account. Let this exercise be completed within 60 days.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]