



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

81 CONT. PETITION NO. 73 OF 2024
IN WP/12132/2023

MANISHA NARENDRA KHANJODKAR
VERSUS
SHRI NANDKUMAR

...

Advocate for the Petitioner : Mr. Maniyar Irfan D
AGP for Respondents: Mr. G.A. Kulkarni

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 15.01.2024

PER COURT :

Heard.

2. The petitioner is alleging about breach of the order which reads as follows:

"1. The Petitioner contends that she was at sr.no.3 in the seniority list dated 15.11.2017. The teachers at sr.nos.1 and 2 have superannuated. After the filing of this petition the candidate at sr.no.4, namely Manohar Bhagwan Mahajan has been appointed by the Management as a Headmaster and the Petitioner has been superseded.

2. Considering the above, the Petitioner has a statutory remedy of approaching the School Tribunal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.

3. In view of the above, this petition is disposed off with liberty to the Petitioner to approach the School Tribunal.

4. At this juncture, the learned advocate for the Petitioner submits that since approval has not been granted to Shri Mahajan, the Education Officer may consider the representation

tendered by the Petitioner dated 24.07.2023 praying that approval may not be granted to his appointment.

5. We grant liberty the Petitioner to avail of a remedy as may be advised. In the event he desires to pursue his representation, the Education Officer may consider the same within a period of 60 days.”

3. If at all the petitioner has been superseded, as is indicated, she would have remedy under Section 9 of the *Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977*. It is only after recording this emphatic observation that when a statement was made on behalf of the petitioner that she has already approached the Education Officer opposing the approval being solicited in respect of the individual who has allegedly superseded the petitioner, the Education Officer was directed to hear the petitioner.

3. The learned advocate for the petitioner informs us that in spite of several attempts the petitioner has not been able to gather the information as to if really some other teacher has been appointed as a headmaster superseding her.

4. Assuming that there is a supersession, the remedy would lie under Section 9 of the *Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977*. If it is not a matter of supersession, it would always be open for the petitioner to take appropriate steps. We do not see any wilful disobedience of any direction of this Court.

5. The Contempt Petition is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-