

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11246 OF 2024

Vadange Shikshan Sanstha Vad Through
Its President/Secretary And Ors.

...Petitioners

Versus

The State Of Maharashtra And Ors.

...Respondents

Mr. Prashant Bhavake, for Petitioners.

Ms. Nisha Mehra, AGP for Respondent Nos.1 to 3.

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**CORAM: NITIN JAMDAR &
M.M. SATHAYE, JJ.**

DATE : 14 AUGUST 2024

P.C.:

1. Learned counsel for the Petitioners states that during pendency of the petition, Petitioner No.3's proposal for approval is rejected. The order of rejection dated 29 July 2024 is tendered in Court and the same is treated as impugned order.

2. In the order of the rejection, there is reference of the proposal dated 3 July 2024 of the Petitioners. The order says that the promotion to the post of Head Master should be as per seniority and since the proposal of the Petitioner No. 3 was not as per seniority, the same was rejected.

3. Learned counsel for the Petitioners sought to contend that the post was being filled up on retirement of the Head Master Chandrakant Dhondiba Shinde on 31 May 2024. The proposal was

submitted on 3 July 2024 and the next person in the seniority list- Bajirao Dnyandev Kumbhar had given no objection. Therefore, the Petitioner No.3 was senior next to Mr. Kumbhar and his name was proposed for promotion to the post of the Head Master. Learned counsel for the Petitioners also informs us that Mr. Kumbhar retired on superannuation on 31 July 2024. This would mean that Mr. Kumbhar has retired after the proposal was submitted on 3 July 2024.

4. This being the Petitioners' own case, Petitioner No. 3 will now be the senior most teacher. Therefore, considering the objections raised in the impugned order, we find no impediment for the Petitioners to submit fresh proposal in respect of Petitioner No 3 based on seniority list which is placed before us.

5. After the proposal is so submitted, necessary decision be taken by the Education Officer within a period of ten working days, as the post of Head Master normally should not be kept vacant which affects administration of the school. If final decision cannot be taken in 10 days, order be passed as regards Signing Authority.

6. Writ petition is disposed of in the above terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)