

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5117 OF 2022

Ramesh Tagoba Chandgude

...Petitioner

Versus

The State Of Maharashtra Through The
Secretary, School Education Department
And Ors.

...Respondents

Mr. Narendra Bandiwadekar, Senior Advocate a/w Vinayak Kumbhar and Rajendra Khaire i/b Ashwini Bandiwadekar for the Petitioner.

Mr. S.B. Kalel, AGP for the Respondent/State.

Mr. Rahul Kadam for Respondent No.6.

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

DATE : 24 JANUARY 2024

P.C. :

1. Heard the learned counsel for the parties.

2. The Petitioner has challenged the order dated 3 March 2022 passed by Respondent No.2/the Deputy Director of Education, Pune and the Grievance Redressal Committee. By this order, the Deputy Director of Education after giving notices and after conducting the hearing has directed that the order passed by the Education Officer (that the resolution passed in the year 2006 by the Educational Institute made retrospective from the year 1991) will affect the

SNEHA
NITIN
CHAVAN

Digitally signed by
SNEHA NITIN
CHAVAN
Date: 2024.02.01
12:15:00 +0530

seniority of the Petitioner and the same needs to be corrected.

3. First question that arises is whether the Deputy Director/Grievance Redressal Committee has power to issue such directions.

4. According to the learned senior counsel for the Petitioner, the issue is of supersession and therefore, the School Tribunal under Section 9 of the MEPS Act could have jurisdiction. According to Respondent No.6, it is not supersession, but it is only a power granted to sign as a head of the school. The basic document of the complaint of Respondent No.6 is not placed on record. The learned counsel for Respondent No.6 states that it is not necessary to do so, as the record itself would indicate the position. Accordingly, we have examined the record.

5. In the notices, it is mentioned that Respondent No.6 had made a complaint that the Petitioner has obtained promotion by placing on record bogus documents as also that the seniority of Respondent No.6 has been bypassed and he is being superseded. Even in the impugned order, the subject of the appeal is the supersession. In these circumstances, the subject matter would fall within the jurisdiction of section 9 of the MEPS Act.

6. Considering this position, since the appropriate remedy is available to Respondent No.6, we dispose of the Writ Petition by

quashing and setting aside the impugned order and leaving the parties to adopt such remedies as may be available in law as regard their grievances. Ordered accordingly.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)