

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

WRIT PETITION NO. 2073 OF 2024

Ramrao Atmarao Bachhav And Ors.

...Petitioners

Versus

Education Officer, Secondary Zilla Parishad,
Nashik And Ors.

...Respondents

....

Mr.Yatin Malvankar, for the Petitioners.

Mr. J. P. Patil, A.G.P. for Respondent Nos.1 & 2 – State.

Mr.Sachin Gite, for respondent No.3.

....

CORAM : AVINASH G. GHAROTE, J.

DATE : 25th JULY, 2024

P.C.:

1. The learned counsel for the petitioners submits that he is restricting the relief claimed in the present petition only to prayer clause (a), as the Education Officer (Secondary) Zilla Parishad, Nashik, by his order dated 21.09.2023 has directed the management to decide the seniority. It is contended that Rule 12 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules 1981, (M.E.P.S. Rules) enjoin upon the Education Officer to decide the dispute regarding seniority. Mr.Sachin Gite, appearing for Respondent No.3 has no objection for the decision

of the dispute of seniority by the Education Officer. Learned A.G.P for the respondent Nos.1 & 2 - State, also is agreeable for the same.

2. Rule 12(3) of the M.E.P.S. Rules, mandate that in case there are any disputes, to the seniority list as maintained by the management, such dispute shall be referred to the Education Officer for his decision. It would therefore be apparent that the jurisdiction to decide the disputes regarding seniority list, would be that of the Education Officer, in light of which, the respondent No.1 is directed to decide the dispute regarding *inter-se* seniority of the petitioners vis-a-vis the seniority list prepared by the management. The petition is accordingly disposed of in above terms. No costs.

3. The petitioners shall appear before the respondent No.1 on 29.07.2024, who shall decide the *inter-se* dispute regarding seniority list within a period of eight weeks from 29.07.2024.

(AVINASH G. GHAROTE, J.)