

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

WRIT PETITION NO. 9840 OF 2024

Balasaheb Tulshiram Khune and Anr. ... Petitioners

V/s.

The State of Maharashtra and Ors. ... Respondents

Mr. Narendra V. Bandiwadekar, Senior Advocate with Mr. Vinayak R. Kumbhar, Mr. Rajendra B. Khaire, Mr. Aniket S. Phapale i/b. Ashwini N. Bandiwadekar for the Petitioners
Mr. Aditya R. Deolekar, AGP for the Respondents 1 to 3

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

DATE : 18 JULY 2024

P.C. :-

Heard the learned Counsel for the Petitioner and the learned AGP for the State.

2. The Petitioner No.1 was promoted to the post of Headmaster on 1 June 2023 and approval to his promotion was granted on 6 November 2023. The Writ Petition No. 3593 of 2024 was filed by the Respondent No.4 which was disposed of by order dated 15 April 2024 stating that he has raised the dispute regarding *inter se* seniority between himself and the Petitioner and the forum is available under Rule 12 of the Maharashtra Employees of Private Schools Rules, 1981 before the Education Officer.

3. The learned Counsel for the Petitioners states that the Respondent No. 4 along with Respondent No.5 an unregistered association approached the Education Officer for cancellation of the Petitioner's approval and on hearing the Respondent Nos. 4 and 5, the Petitioner's approval is cancelled. The learned Counsel for the Petitioners submitted that the Education Officer does not have a power of review as regards cancellation of the approval and if any decision was taken as regards *inter se* seniority, the parties would have their remedy open as per law. He submits that the Petitioner No.1 is currently functioning as a Head of the school and in view of the impugned order, day today administration would be affected.

4. The Petitioners will give notice to Respondent Nos. 4 and 5, returnable on 13 August 2024. In addition, the Petitioners are permitted to serve private notice through Registered Post A.D. / Speed Post / E-mail and file affidavit of service before the returnable date.

5. Since the Petitioner is stated to be continued as a Head of the school, without reflecting on the merits of the controversy, so that day today administration of the school such as release of salary should not be affected, as regards the payment of bills and salaries, the Respondent – Education Officer will process the bills signed by the Petitioner No.1, till the next date of hearing.

M.M. SATHAYE, J.

NITIN JAMDAR, J.