IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

WRIT PETITION NO. 5599 OF 2024

ıil Anantrao Bhure Vs. Education Officer (Secondary), Zilla Parishad, Nagpur and others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders | Court's or Judge's orders

Mr. Zishan Haq, Advocate for petitioner.
Mr. H.D. Marathe, Assistant Government Pleader for respondent No. 1.
Mr. C.B. Dharmadhikari, Advocate for respondent No. 4.

CORAM : BHARATI DANGRE &
ABHAY J. MANTRI, JJ.
DATED : 24-09-2024

In the conundrum between the petitioner and respondent No. 4, on 2.9.2024 the respondent No. 4 has been conferred with the administrative and financial powers of the Headmaster in the wake of the retirement of erstwhile Headmaster on 30.11.2023.

2. We have heard Mr. Zishan Haq, learned Counsel for the petitioner and Mr. Charudatt Dharmadhikari, the learned Counsel representing the affected respondent i.e. respondent No. 4, who has also filed preliminary submissions, which are taken on record.

3. Mr. Dharmadhikari has relied on the amendment to the Maharashtra Employees of Private Schools (Conditions of Service) Regular Act, 1977 by the Rules of 2023, by which in category ‘C’, there is an addition of a person holding D.Ed. (old two years course) and this is what he would lay his emphasize upon for holding his client to be eligible.

4. Mr. Haq strongly contest the said submission by placing

reliance upon the decision of the Hon'ble Apex Court in ***Madhavi Vs. Chagan and Others [(2021)19 SCC 775]*** and in particular, he would place reliance upon the decision in case of ***Bhawana Vs. State of Maharashtra [(2019)4 SCC 300]*** which according to him, squarely covers his case.

The question that arise for determination is how to read the aforesaid pronouncement of law in the wake of the Rules of 2023 and for this purpose, we intend to secure presence of the respondent No. 1 Education Officer (Secondary), Zilla Parishad, Nagpur as according to us, he would be in a position to offer clarification.

5. Mr. Marathe, the learned Assistant Government Pleader waives service of notice on behalf of respondent No.1 and we direct him to file affidavit in reply within a period of two weeks since vide order dated 2.9.2024, the respondent No. 1 has conferred administrative and financial powers upon the respondent No. 4 till 30.11.2024 and we would like to resolve the issue, before us, ahead of the said date.

(ABHAY J. MANTRI, J.) **(BHARATI DANGRE, J.)**

R.S.Belkhede, P.A.

Signed by: Mr. R. S. Belkhede
Designation: PA To Honourable Judge
Date: 26/09/2024 11:53:52