



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8656 OF 2024

Uttam s/o Vyankatrao Jamge ... PETITIONER

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Mr. A.S. Shelke, Advocate for petitioner
Mr. S.R. Yadav Lonikar, A.G.P. for State
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 23rd JUNE, 2025

ORDER :

The petitioner, who was appointed as Assistant Teacher in respondent No.3 management in the year 1992, despite being seniormost Assistant Teacher, was not considered for the post of Head Master. The Assistant Teacher junior to the petitioner was given the charge of the post of Head Master of the school run by respondent No.3. The petitioner objected for the said charge being given to the

Assistant Teacher junior to him. Since the objection was not considered, the petitioner approached this Court in Writ Petition No.3/2024, which was disposed of by order dated 2/1/2024 (Page 47 of the Petition), directing the Education Officer (Secondary), Zilla Parishad, Nanded i.e. respondent No.2 to decide the representation of the petitioner within a period of 60 days in accordance with the provisions of law. The hearing took place before the respondent No.2 and the respondent No.2 directed the respondent No.3 Education Society to submit the proposal to its office for promotion of the petitioner on the post of Head Master. Nothing has progressed. Thereafter, according to learned Advocate for the petitioner, the respondent No.3 management submitted the petitioner's proposal as Incharge Head Master instead of regular Head Master. Therefore, the petitioner has approached this Court by way of the present petition with the following main prayers :

- “B) By writ of mandamus, order or direction in the like nature, the respondent No.3 be directed to submit proposal of the petitioner for promotion to the post of Head Master to the office of respondent No.2 and the respondent No.2 be directed to consider and approval the same as per Rules.

- B-1) By writ of mandamus, order or direction in the like nature, the respondent No.3 be directed to appoint petitioner as regular Head Master and submit proposal to the office of respondent No.2 in terms of decision of respondent No.2 communicated vide letter dated 02/04/2024 and the respondent No.2 be directed to consider and approve the same as per Rules.
- C) By writ of mandamus, order or direction in the like nature, the respondent no.1 be directed to consider and decide the proposal dated 19/08/2020 for grant of selection grade within stipulated period and confer the benefits w.e.f. 01/12/2018.”

2. In this petition, this Court, by order dated 29/8/2024, issued notice for final disposal to the respondents. The learned A.G.P. appears for respondents No.1 and 2. The office record shows that, the respondent No.3 management has been duly served. However, none appears for respondent No.3.

3. It is submitted by learned Advocate for the petitioner that, the decision of the respondent No.2, which was taken after hearing both the sides to send the proposal of the petitioner for promotion to the post of Head Master has attained finality. This is not disputed by the learned A.G.P. appearing for respondents No.1 and 2.

4. As regards prayer clause (C) is concerned, the learned A.G.P. appearing for respondents No.1 and 2, on instructions, submits that, the said representation/ proposal for grant of Selection Grade would be considered and decided on its own merits in accordance with law within a period of six weeks from today.

5. As regards prayer clauses (B) and (B-1) is concerned, in absence of challenge to the said decision of the respondent No.2 taken after hearing both the sides has attained finality, it was incumbent on the respondent No.3 to send the proposal of the petitioner as directed by the respondent No.2. As the same is not done and though duly served with the final hearing notice of the petition and none appears for respondent No.3, we direct the respondent No.3 to take all the steps to forward the petitioner's proposal to the respondent No.2 pursuant to the said decision dated 23/2/2024, which was taken by the respondent No.2 after hearing both the sides. This be done within a period of four weeks after receipt of the order of this Court. On receipt of

such proposal by the respondent No.2 from respondent No.3, the same shall be decided within a period of six weeks thereafter.

6. In view of the above, the petition stands disposed of.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-