

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

WRIT PETITION NO. 16506 OF 2024

Kallappa Baburao Birajdar. ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents.

Mr. Prashant Bhavake, for Petitioners.

Mr. S.P. Kamble, AGP, for Respondent/State.

**CORAM: BHARATI DANGRE &
ASHWIN D. BHOBE, JJ.
DATED : 08th JANUARY, 2025**

P.C:-

1. The Petitioner is aggrieved by the issuance of notice of hearing dated 12th June, 2024 by the Deputy Direction who has initiated the proceedings pursuant to the complaint received from the Respondent No. 7 on 19th March, 2024 praying for cancellation of the approval granted to the promotion of the Petitioner in the post of Assistant Head Master as well as Head Master.

2. Taking us through the sequence of events, Mr.

Bhavake, the learned Counsel for the Petitioner submits that the Petitioner was appointed to the post of Assistant Teacher with effect from 01.02.1999 and he was at the relevant time, holding M.A. B.Ed. Qualification and he fell in the category “C” of Schedule “F” of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (for short “MEPS Rules”).

He was promoted to the post of Supervisor from 1.11.2018 and since a person junior to him raised a grievance about his promotion, the approval was not granted.

The Petitioner thereafter filed an appeal before the School Tribunal, Solapur vide Appeal No. 32 of 2022 challenging his reduction in rank and by Judgment dated 14.3.2023, the Tribunal has partly allowed his appeal.

Pursuant to this event, the Education Officer on 12.5.2023 approved the promotion of the Petitioner in the post of Supervisor with effect from 1.11.2018 and since the post of Assistant Head Master became vacant in the Secondary School, the Petitioner was promoted to the said post with effect from 1.11.2022 and from 16.1.2024 he was promoted to the post of Head Master with effect from 1.2.2024 and even the Education Officer has granted approval to his appointment.

3. Being aggrieved by the promotional avenues in favour of the Petitioner in succession, the Respondent No. 7 who is his junior, made a complaint to the Deputy Director of Education and this prompted the Deputy Director of Education to issue notice to the Educational Institutions as well as the Petitioner for the purpose of hearing.

4. It is in this background, the Petitioner has prayed for stay of the proceedings before the Deputy Director of Education and as according to him, these promotions are effected by due procedure and received approval from Education Department and Respondent No. 7 should have no grievance against the promotions, after the grievance of the Petitioner was redressed by the School Tribunal, Solapur in Appeal No. 32 of 2022.

5. We are of the firm view that if the Deputy Director had initiated proceedings on the complaint of the Respondent No. 7, he is expected to follow the principles of natural justice and by affording an opportunity to the Petitioner, as well as the Complainant, he is at liberty to decide the complaint.

We deem it appropriate only to clarify that he must keep in mind the Judgment of the School Tribunal dated

14.3.2023, on an Appeal filed by Petitioner as the Judgment, on due consideration had partly allowed the Appeal and declared that the Appellant(Petitioner) was appointed as Supervisor by adopting due process and his reduction in rank is illegal and hence, direction was issued to the Respondent Nos. 1 to 3 to re-promote the Appellant (Petitioner) on the promotional post of Supervisor in the Respondent No. 2 School and even the Education Officer was directed to accord approval to his appointment.

With these directions the Writ Petition is disposed off.

(ASHWIN D. BHOBE, J.)

(BHARATI DANGRE, J.)