

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9061 OF 2024

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Vishnu Kashinath Bhamere

...Petitioner

Versus

The State of Maharashtra
Thr The Secretary School
Education Dept. and Ors

...Respondents

Mr. Vinayak R. Kumbhar a/w. *Rajendra B. Khaire and Aniket S. Phapale i/b Adv. Ashiwini N. Bandiwadekar, for Petitioner.*

Mr. Madhubala Kajle, B Panel, for Respondent Nos. 1 and 2-
State.

Mr. Vishal R. Bapat, Sr. Asstt. (Education), ZP Thane.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : December 10, 2025

ORDER :

1. Rule. Rule is made returnable forthwith. Taken up for final hearing, with consent of parties.

2. The challenge in this Petition is to an order dated May 8, 2023, passed by the Learned Education Officer dealing with the objection by the Petitioner to the seniority list published by the school, first, on August 1, 2021, and to seniority lists published thereafter, adopting the same principle.

3. The stance adopted by the school and not interfered with by the Learned Education Officer is that the Petitioner would be granted seniority on the premise of his date of appointment being 'June 13, 2005', when he was reinstated with full continuity of service after having been dismissed, whereas he had been first appointed as a Trained Graduate Teacher on October 1, 1997.

4. There were certain intervening facts, namely, that the Petitioner was terminated from service on March 27, 1999, which termination eventually came to be quashed and set aside by an order dated April 6, 2005, passed by the Learned School Tribunal. It is clear from a plain perusal of the said order of the Learned School Tribunal, that the reinstatement had been directed with continuity of service and full back wages, i.e., placing the Petitioner in the same position as he had been before he was terminated on March 27, 1999.

5. The Impugned Order adopts June 13, 2005 as the date from which seniority would be counted. This is at variance with the date in the seniority list first adopted by the school, which was June 13, 2000. However, the reasoning for this adoption is that the actual reinstatement took place on June 13, 2005, when the termination order of March 27, 1999 was set aside. Evidently, the quashing of the

termination order completely nullified the termination and provided full reinstatement with continuity of service to the Petitioner.

6. Learned AGP, on instructions, submits, that the Learned Education Officer had not been made aware of the Learned School Tribunal's order reinstating the Petitioner with full continuity of service and back wages. That full continuity had been directed has been missed, she would submit. The upshot of this submission is that, had the Learned Education Officer known about the Learned School Tribunal's order, dated April 6, 2005, the Impugned Order would not have been passed in the same manner.

7. Without making any comment on the explanation for the mistake, the ends of justice would be met by holding that the Petitioner has made out the case that the Impugned Order deserves to be quashed and set aside. Having noticed the date of reinstatement, the terms of the reinstatement ought to have been examined.

8. The Petitioner having joined the school on October 1, 1997, would be entitled to seniority from that date since his reinstatement was with full benefits including continuity of service.

9. Learned Advocate for intervener in Intervention Application

No. 12693 of 2024, who is another employee of the same school raises issues relating to the qualifications and the dates of qualifications, which would alter the seniority list further. I am afraid, an adjudication of such a complaint would not lie in these proceedings. These proceedings essentially are to examine if the Impugned Order is sustainable and is well reasoned. For the aforesaid reasons, the Impugned Order deserves to be set aside.

10. Needless to say, should the Intervener have any grievance, it is for him to raise it with the institution in question, which would have to deal with it only in accordance with law.

11. With the aforesaid directions, the Petition is *finally disposed of*, allowing the Petition by quashing and setting aside the Impugned Order. The consequential corrections to the seniority list made on, August 1, 2021 shall be corrected and similar corrections shall be effected to all subsequent seniority lists made since that date and the same shall be intimated to the Petitioner and a copy shall be marked to the Education Officer. Rule is made absolute in the aforesaid terms.

12. All actions required to be taken pursuant to this order, shall

be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]