

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17140 OF 2024

Madhuri Dnyaneshwar Khandeshe & Anr. .. Petitioners

Versus

State of Maharashtra & Ors. .. Respondents

.....

- Mr. Anil V. Anturkar, Senior Advocate a/w Mr. Atharva Date, Advocates for Petitioners
- Ms. P.J. Gavhane, AGP for Respondent Nos. 1 and 2
- Mr. Prasad Dani, Senior Advocate a/w Mr. Yatin Malvankar, Advocates for Respondent No. 3

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 18, 2025

P. C.:

1. Heard Mr. Anturkar, learned Senior Advocate for Petitioners; Mr. Dani, learned Senior Advocate for Respondent No. 3 and Ms. Gavhane, learned AGP for Respondent Nos. 1 and 2.

2. Grievance of Petitioners is with respect to *inter se* seniority *qua* private Respondent before the Court in the present Petition. Record shows that on 26.11.2024 matter was directed to be listed and some interim arrangement was directed to be continued till the next date. Thereafter Petition was mentioned before this Court on 28.07.2025 when after hearing Mr. Date, learned Advocate for Petitioners, Petition was listed today in view of the exigency mentioned in the said order

that recruitment of teachers in the said school was halted because of pendency of the present controversy.

3. From submissions made by both the learned Senior Advocates, it appears that dispute appears to be *inter se* in respect of seniority of Petitioners *qua* the private Respondent. It is seen from the record that management of the School where Petitioners and private Respondent are serving have prepared two different lists of seniority and submitted the same to the Education Officer. Education Officer has also filed affidavit in reply but the aforesaid issue has not been dealt with by him in his affidavit in reply.

4. Today Mr. Anturkar informs the Court that a clarificatory GR has been issued by the State Government on the basis of which School management has prepared a third list of seniority wherein Petitioners are shown to be senior to the private Respondent and it appears that it is submitted to the Education Officer. He is however not sure about this fact. Education Officer shall confirm this aspect. He would submit that hearing of the present Petition would be incumbent in view of the Education Officer rejecting the case of Petitioners.

5. After deliberating with both the learned Senior Advocates at the Bar, I am of the opinion whether the issue can be relegated to the Education Officer for hearing. However Mr. Dani would submit that

Education Officer has already given a hearing to Petitioners and thereafter decided the issue of seniority in favour of private Respondent which is under challenge before me. Hence he would dissuade the Court from remanding the matter back for fresh hearing.

6. In view of the above, issue notice to the Respondents made returnable on 02.09.2025. Humdast permitted. In addition to Court's notice, Petitioners are directed to serve copy of the Petition along with copy of this order on the unpresented Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.

7. Ms. Gavhane, learned AGP waives service on behalf of Respondent Nos. 1 and 2. Mr. Dani waives service for private Respondent No. 3.

8. After receiving notice, Respondents are directed to file affidavit-in-reply on the aforesaid issues noted by the Court in this order to enable the Court to consider the case of Petitioners, *inter alia*, pertaining to their seniority in accordance with law on or before the next date, if so desired, with an advance copy to the Advocates for parties. If the management of the School (Respondent Nos. 4 and 5) has prepared a third list on the basis of the clarificatory GR, the same

shall be apprised to the Court on the next adjourned date so that the Court can take a considered decision on the same.

9. Respondents are directed to remain present either by themselves or through their Advocate on the next adjourned date.

10. Stand over to **2nd September, 2025** under the caption "**First on Board**". In the meantime, interim relief, if any granted earlier, shall continue.

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR
Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2025.08.18
17:28:00 +0530