



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

WRIT PETITION NO.1581 OF 2024

Ravindra Ramkrushna Yeul
Aged about 49 years, Occ: Service
R/o Baripura, Anjangaon-Surji,
Tq. Anjangaon-Surji, Dist. Amravati.

...PETITIONER

...V E R S U S...

1. The Additional Commissioner Tribal Development Department, Amravati Office at behind T.B. Hospital, Camp, Amravati, Tq. and Dist. Amravati.
2. Project Officer Integrated Tribal Development Project, Dharni, Tq. Dharni, Dist. Amravati.
3. Adivasi Gavilgarh Shikshan Prasarak Mandal, through its President, R/o Gaulkheda-Bazar, Tq. Chikhaldara, Dist. Amravati.
4. Rajesh Sukhadeorao Dhawle, Age 50 years, Occ: Service, R/o C/o Adivasi Ashram School, Nagapur Tq. Chikhaldara, Dist. Amravati.

...RESPONDENTS

WITH

CONTEMPT PETITION NO.128 OF 2024

Ravindra Ramkrushna Yeul
Aged about 49 years, Occ: Service
R/o Baripura, Anjangaon-Surji,
Tq. Anjangaon-Surji, Dist. Amravati.

...PETITIONER

...V E R S U S...

1. Shri Gaurishankar Tukaramji Kale, President, Adivasi Gawilgad Shikshan Prasarak Mandal, R/o Civil Lines, Gurkhed Bazar Paratwada, Tq. Achalpur, Dist. Amravati.

2. Rajesh Sukhadeorao Dhawle,
Age 50 years, Occ: Service,
R/o Harde Nagar, Deo-mali,
Near Fitness Arena, Paratwada,
Tq. Achalpur, Dist. Amravati.

3. Shri Richard Anthan,
Project Officer, Integrated Tribal
Development Project, Dharni,
Tq. Dharni, Dist. Amravati.

(Deleted as per Court's order dtd.5/9/24) ...**RESPONDENTS**

Shri K.V. Kolthale, Advocate for petitioner.
Shri J.Y. Ghurde, AGP for respondent no.1.
Shri P.A. Jibhkate, Advocate for respondent no.3.
Shri P.D. Meghe, Advocate for respondent no.4

CORAM : SMT. M.S. JAWALKAR & M.W. CHANDWANI, JJ.

DATE : 12.11.2025

ORAL JUDGMENT: *(Per : M.W. Chandwani, J.)*

1. **Rule.** Rule made returnable forthwith. Heard finally
with the consent of both the parties.

2. The petition challenges the order dated 23.02.2024
passed by respondent no.1-Additional Commissioner, Tribal
Development Department, Amravati whereby respondent no.4 was
declared to be senior to the petitioner.

3. The petitioner claims that he has been appointed as
Assistant Teacher from 01.07.1999 in the school of respondent
no.3. Initially, the proposal was sent to respondent no.1 –
Additional Commissioner to be considered for the vacant post of

Headmaster. Respondent no.4 objected to the said proposal by submitting that he is senior to the petitioner since he has been appointed on 01.07.1999; whereas, the appointment of the petitioner was approved in the year 2000. Writ Petition No.1112/2019 was filed for issuance of directions to respondent no.1 to decide the proposal within time. The said petition came to be disposed of by order dated 06.09.2022 by directing respondent no.1 to hear the petitioner and respondent no.4 and decide the dispute. Respondent no.1 held that respondent no.4 is senior to the petitioner and therefore, the petitioner again filed Writ Petition No.7993/2022 wherein, by order dated 05.12.2023, respondent no.1 was directed to conduct fresh enquiry. Thereafter, by the impugned order dated 23.02.2024, respondent no.1 again passed the order in favour of respondent no.4 holding him senior to the petitioner which is under challenge.

4. The contention of the petitioner is that, the petitioner has been appointed on 01.07.1999 and joined the services on the same day. However, though respondent no.4 was appointed on 01.07.1999, he joined the service w.e.f. 20.07.1999. According to the petitioner, since respondent no.4 joined at a later point in time therefore, he is junior to the petitioner. According to him, even the

seniority list depicts the name of respondent no.4 below the petitioner. However, respondent no.1, ignoring all these aspects, erroneously held respondent no.4 as senior.

5. Per contra, Shri Jibhkate, learned counsel appearing on behalf of respondent no.3, came-up with a case that though, the petitioner was selected on 01.07.1999 but he was kept on waiting list since there was no workload. According to him, even the first salary bill of July 1999 which was approved by respondent no.2 – Project Officer reveals that it is only respondent no.4 who has been paid the salary and the name of the petitioner is not appearing in the list. Thereafter, when the workload increased in the year 2000, the petitioner was appointed and therefore, he is junior to respondent no.4.

6. Shri Meghe, learned counsel appearing for respondent no.4 vehemently supported the argument advanced by the counsel for respondent no.3. In addition, he submitted that even if it is presumed that the petitioner was appointed on 01.07.1999, however, being younger in age to respondent no.4, the name of the petitioner will appear below respondent no.4. To buttress his submission, he seeks to rely upon the decision in the case of ***Sunil Gopalrao Khedikar Vs. Education Officer (Secondary), Zilla***

Parishad, Bhandara and others¹, wherein this Court, in para 9 has observed as under:

“9. The language of Note 3 does not require any spices to be added. Term “appointment” by itself illustrate the intention of the legislature to give effect. A particular terminology being used as continuous appointment will have its significance to read the letter of appointment as paramount and it could not have changed the date of joining either on 2nd July 1993 or 5th July 1993 between petitioner or respondent no.4. That apart, even if petitioner joins on 2nd July 1993 by virtue of very Note 3, the teacher who is senior by age will be treated as senior assumes importance, and as stated earlier the respondent Shalikgram being born on 24th April 1961 being elder in age to petitioner Sunil, effect of Note 3 will accelerate in favour of respondent no.4 which the Education Officer has rightly enshrined and espoused. The effect of Category C in Schedule F will also be not available, as qualification of B. S. W. held by Shalikgram and one of B. Com/B. A. held by the petitioner being in the same bracket of Category C itself.”

7. Having heard the learned counsels for the respective parties, we have gone through the record placed before us. It is pertinent to note here that, the petitioner is relying on the joining letter addressed by him to respondent no.3 mentioning that he is joining from 01.07.1999. Even though, a lot of hue and cry was

¹ 2010(5) Mh.L.J 531

made regarding his appointment from 01.07.1999, no appointment order has been placed on record by the petitioner. Rather, the salary bill of respondent no.3 also reveals that the petitioner was not paid the salary for month of July 1999. Therefore, we find substance in the argument of the learned counsel for respondent no.3 that in the month of July 1999, the petitioner was not working with it as Assistant Teacher.

8. Be that as it may, even if it is presumed that the petitioner was appointed on 01.07.1999 but the fact remains that respondent no.4 is older in age than the petitioner. Therefore, in wake of the observations made by this Court in the case of *Sunil* (supra), we find substance in the argument of the learned counsel for respondent no.4 that it is the person who is older who will be considered if the appointments are made on the same day.

9. This takes us to the sheet anchor argument of the learned counsel for the petitioner wherein, he has submitted that the respondent no.4 did not take any objection to the seniority list. He took us to the seniority list. Bare perusal of the seniority list of 2011 reveals that the petitioner is shown as senior to respondent no.4. However, on the said list below his signature, respondent no.4 has mentioned the word 'आक्षेप' (objection). Even if the

said objection is disputed, the fact remains that as soon as the proposal of the petitioner was forwarded by respondent no.3 – Management on 11.11.2013, respondent no.4 on 20.11.2013 i.e. within a couple of years from publication of list in the year 2011, raised the objection. Therefore, we do not find force in the argument of the learned counsel for the petitioner that the objection is taken belatedly. Therefore, the writ petition is devoid of merits and the same is dismissed. No order as to costs.

10. In wake of dismissal of the writ petition, we do not find that anything survives in the contempt petition. Therefore, the contempt petition is also dismissed.

Rule stands discharged.

(M.W. CHANDWANI, J.)

(SMT. M.S. JAWALKAR, J.)

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