



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 1310 of 2025

[Rajni w/o Rajesh Mankar ..vs.. Education Officer (Secondary), Z.P,
Nagpur and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. C. B. Dharmadhikari, Advocate for the petitioner
Mrs. M. S. Naik, AGP for respondent no. 1
Ms. Sakshi Tiwari, Advocate for respondent no. 2
Mr. Z. Z. Haq, Advocate for respondent no. 4

CORAM : ANIL L. PANSARE J.

DATED : 08-04-2025

Having heard for substantial time, it appears that the Education Officer, while passing impugned order, has not given thought to the amendment that came into effect vide notification dated 24-3-2023, by which Schedule F of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 prescribing qualifications for teachers in the Category "C" is modified. One of such qualifications is B.A./B.Sc./B.Com, Dip.T. (old two years course)/D.Ed. (old two years course).

2. The petitioner's case is that she was appointed in the year 1994 and was having qualification of B.A., D.Ed. This fact has been disputed by respondent no. 4 and not by the management – respondent no. 2.

3. Respondent no. 4 submits that he is senior to the petitioner since the date of appointment. He came to be appointed in the year 1996 having qualification of M.Com, B.PEd.

4. Thus, issue is of seniority, which ultimately will decide the fate, as to who amongst two will be the Head Master. The Education Officer by the impugned order dated

21-8-2024 held that petitioner was appointed on 10-1-1994 and was holding qualification of B.A., D.Ed., as against respondent no. 4 was appointed on 24-6-1997 and was holding qualification of M.Com, B.PEd. and, therefore, respondent no. 4 would be senior.

5. According to the petitioner, both petitioner and respondent no. 4 will fall in category 'C' in terms of the amendment or even prior thereto because prior to amendment, the qualification of Dip.T. in addition to graduation was taken for teachers in category 'C'.

6. As against, respondent no. 4 submits that Schedule F categories will have to read with Schedule B criteria which deals with the categories of 'Graduate Teachers' (Category C) and 'Under Graduate Teachers' (Category D). According to him the petitioner will fall in category 'D' of Schedule F and not in category 'C'. He further submits that the amendment of 2023 has no retrospective effect and respondent's seniority prior to 2023 could not be disturbed on the basis of amendment.

7. These aspects and many more have been not considered by the Education Officer. It is, therefore, necessary to remand the matter back to Education Officer to consider the same afresh in accordance with law as also what has been stated in the body of the order. Order accordingly. The decision shall be taken within one month from today.

8. The parties shall appear before the Education Officer on 15-4-2025 at 11.00 a.m.

9. The management shall handover charge of Head Master to next seniormost teacher, who appears to be Sau. R. V. Tupkar, who shall hold charge for administrative purpose with financial powers for disbursement of salary only.

10. Writ petition is disposed of in above terms. No order as to costs.

(Anil L. Pansare, J.)

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