



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

WRIT PETITION NO.3412/2025

Anil Anantrao Bhure

Vs.

Education Officer (Secondary), Zilla Parishad, 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. Z. Z. Haq, Advocate for Petitioner.
Mr. S. M. Ukey, Addl.G.P. for Respondent No.1/State.
Mr. N. A. Jachak, Advocate for Respondent No.2.
Mr. C. B. Dharmadhikari, Advocate for Respondent No.3.

CORAM : ANIL S. KILOR AND MRS. VRUSHALI V. JOSHI,JJ.
DATED : 06/08/2025.

1. The present petition is filed by an employee of the respondent No.3- School seeking direction to the Education Officer to issue directions to the Management to hand over the charge of the post of Headmaster to the petitioner being seniormost Assistant Teacher.

2. It is argued that since no one is holding the charge of Headmaster and earlier the charge which was given to Ms Rajani R. Mankar that was a conditional subject to the result of Writ Petition No.5599/2024. It is pointed out that after the decision in the said writ petition on 05.02.2025, the said order came to an end and it has resulted in non-payment of salary to the employees from last 4 - 5 months as the salary bills were not submitted. It is therefore, submitted that since the employees are not receiving the salary and as the petitioner has been declared as seniormost twice by the Education Officer, firstly, vide order dated 26.06.2024 and subsequently on 29.04.2025, the Education Officer shall direct the Management to give the charge to the petitioner of the post of Headmaster.

3. Mr. Dharmadhikari, learned Counsel for the respondent No.3 strongly opposed the petition and submits that Ms Rajani Mankar is holding the charge of Headmaster and the statement made by the petitioner that there is no one holding the charge of Headmaster is incorrect. He submits that against the last order of the Education Officer dated 29.04.2025, a writ petition is pending before the Single Judge of this Court vide Writ Petition No.3676/2025. He, therefore, submits that this Court may not issue any direction to the Management or to the Education Officer to hand over the charge to the petitioner.

4. The learned Additional Government Pleader on the other hand supports the orders of the Education Officer declaring the petitioner as seniormost.

5. The learned Counsel for the Management submits that the Management will follow the orders of the Education Officer, if any, issued as regards handing over the charge of the post of Headmaster.

6. In the light of the rival submissions, we have perused the record. From the record, it is evident that the Education Officer initially called the petitioner, the Management and Ms Rajani Rajesh Mankar, who is claiming to be senior to the petitioner, for hearing. After hearing, the Education Officer declared the petitioner as seniormost vide order dated 26.06.2024. The said order was the subject matter of challenge in the Writ Petition No.1310/2025 which came to be allowed by quashing and setting aside the said order and remanding the matter to the Education Officer to decide the same afresh.

7. On remand, the Education Officer again vide order dated 29.04.2025, declare the petitioner as seniormost.

8. In that view of the matter, we are of the opinion that the petition can be disposed of with direction to the Education Officer to take decision as regards handing over the charge of the Headmaster. Keeping in view the difficulties which the employees are facing as they have not received the salary from last 4-5 months as stated by the petitioner.

9. Accordingly, we dispose of the present writ petition with direction to the Education Officer to take decision as regard handing over the charge of the post of Headmaster of the respondent No.3-School namely Sainath Vidya Mandir (High School), Nagpur. Such decision shall be taken within two weeks from today.

10. It is informed that the Education Officer is not available. In case the Education Officer is not available, such decision shall be taken by the in-charge Education Officer.

11. Needless to mention that we have not observed anything on merits in this order.

12. In a proceeding pending before the Education Officer in respect of issue about the seniority, the order earlier passed by the Education Officer, which is the subject matter of challenge in Writ Petition No.3676/2025, we expect that the Education Officer shall not take any final decision unless he decides the question of jurisdiction raised by the petitioner in view of the well settled law that unless there is an express power to review, the prayer for review cannot be considered.

(MRS.VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)