



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

WRIT PETITION NO.5592 OF 2019

Ku. Vrushali d/o Marotrao Kolhe and anr. Vs. State of Maharashtra, Thru. Its Secretary for
School Education & Sports Department, Mantralaya, Mumbai and Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Amol B. Patil, Advocate for appellants.
Mr. S.C. Joshi, AGP for non-applicant/State.

CORAM : PRAVIN S. PATIL, J.

DATE : 03.12.2025

By way of present appeal, challenge is to the order passed by the Education Officer, which was communicated to the Management on 23.04.2019.

2. The perusal of the impugned order demonstrates the fact that the Education Officer, by exercising the powers under Rule 12 of the Maharashtra Employees of Private School Act, 1977, has considered the issue of seniority and thereby holds that the respondent No.8 be placed under 25% Graduate pay scale and his name should be accordingly included in the seniority list.

3. This order is under challenge on the ground that there is no consideration of the detailed reply which they have submitted before the Education Officer on 23.04.2019. The other ground which petitioners have raised in the present matter is that the respondent No.8

has already raised his grievance before the Education Officer, and the Education Officer, by this earlier order dated 27.10.2005 and 26.12.2005, rejected the grievance of respondent No.8 by holding that he cannot be brought into the 25% Graduate Teacher category.

4. The order passed by the Education Officer were challenged before the Deputy Director of Education, who has confirmed the order of the Education Officer. It is stated that the order of Deputy Director of Education was challenged in writ petition and said writ petition was dismissed by this Court. Hence, according to the petitioners, issue being already decided, there was no reason to reopen all the issues by the Education Officer. Hence, impugned order being bad in law is liable to be quashed and set aside.

5. The record also shows that in the present matter, the stay is operating against the impugned order since 30.08.2019. According to the petitioners, the petitioner No.2 and respondent No.8 has already attended the age of superannuation. So also, it is his submission that because of this impugned order, the seniority of various teachers has been affected and therefore, the matter needs reconsideration at the instance of the Education Officer.

6. The perusal of the impugned order shows no fair consideration of the reply filed by the petitioners in the matter and no reasoning as to why earlier decisions cannot be looked into by the Education Officer.

7. The learned AGP appearing for the Education Officer states that the Education Officer can reconsider the entire issue if the specific directions are given to the Education Officer.

8. In view of above, the impugned order passed by the respondent – Education Officer is quashed and set aside. The matter is remitted back to the Education Officer to decide afresh the issue of seniority.

9. The Education Officer is directed to conduct fresh hearing of the matter by giving specific intimation to the parties about the date for their appearance and thereafter by granting fair and proper opportunity and by recording cogent reasons, decide afresh the issue of seniority.

10. All exercises should be completed within a period of three months.

11. The writ petition stands disposed of.

(Pravin S. Patil, J.)