



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

WRIT PETITION NO. 5599 OF 2024

Anil Anantrao Bhure

-Vs.-

Education Officer (Secondary), Z.P.Nagpur and others

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

Mr. Z.Z.Haq, Adv. for the petitioner.
Mr. A.A.Madiwale, AGP for the respondents-State.
Mr. C.B.Dharmadhikari, Adv.for the respondent No.4.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATE : 5TH FEBRUARY, 2025

The petition raises a grievance regarding the order dated 23/08/2024 passed by the Education Officer (Secondary), Zilla Parishad Nagpur (Pg.90), by which, he has stayed his own order dated 21/08/2024, holding the petitioner to be senior. It is contended by Mr.Haq, learned counsel for the petitioner, that the Education Officer (Secondary) has no power of review relying upon **Sachin Sharadchandra Deole v. Education Officer (Secondary), Zilla Parishad Amravati and others, 2022 (4) Mh.L.J., 50** (Para-10) on account of which, he submits, that the impugned order cannot be sustained.

2. Mr.Dharmadhikari, learned counsel for the respondent No.4 invites our attention to the order dated 18/01/2024 in Writ Petition No.11243 of 2023 (*B.Ed.*

Niyukta Madhyamik Shikshan Sangh and anr. v. The State of Maharashtra) and submits, that the impugned order dated 23/08/2024, merely does what the said order directs and therefore, no power of review has been exercised.

3. There cannot be any two opinions, that considering the provisions of the MEPS Act and Rules framed thereunder and in light of what has been held by the learned Division Bench in **Sachin** (supra) (Para-10), that the Education Officer (Secondary) has no power of review. We are in full agreement of the said view. What is however, necessary to be seen, is that the impugned order dated 23/08/2024, granting temporary stay to the decision dated 21/08/2024, passed by the Education Officer (Secondary), is purported to be in light of the interim order dated 18/01/2024, in *B.Ed. Niyukta Madhyamik Shikshan Sangh* (supra). However, what we find, is that the earlier order passed therein on 07/09/2023, which gave an omnibus direction, that for the time being, the seniority list, which was in existence before coming into force of the impugned notification dated 24/03/2023 shall be acted upon in all secondary schools until further order, stands modified by para-6 therein, which restricts the interim order dated 07/09/2023 to the respondent No.4-Management there only. In that light of the matter, the reason for issuing the impugned order dated 23/08/2024 itself does not survive and the same, clearly appears to be passed on account of misreading of the order dated 18/01/2024 in *B.Ed. Niyukta Madhyamik Shikshan Sangh* (supra). In that view of the matter, the order dated 23/08/2024, cannot be

sustained and is hereby quashed and set aside. The petition is accordingly allowed in the above terms. No costs.

4. Needless to say, that the consequence of setting aside the order dated 23/08/2024 would indicate revival of the order dated 21/08/2024 (Pg.84), which the authority is supposed to act upon. The respondent No.4 is free to avail any remedy, which she may have in law against the order dated 21/08/2024.

(ABHAY J. MANTRI,J)

(AVINASH G. GHAROTE, J)