



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

WRIT PETITION NO. 4626 OF 2025

Adarsha Bahuudeshiya Mandal,
Ambedkar Ward, Bhandara through its
President, Jageshwar Maroti Sathawane

... **PETITIONER**

// VERSUS //

1. Education Officer (Secondary),
Zilla Parishad, Bhandara.
2. Bhishma Namdeo Tembhurne,
Aged 54 years, Occ. Service,
R/o. Welcome Colony, Khat Road,
Bhandara.

... **RESPONDENTS**

Ms. Ritu Jog, Advocate for petitioner.
Ms. Prachi Joshi, AGP for respondent no. 1/State.
Shri P. R. Parsodkar, Advocate for respondent no.2.

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

DATED :- 11.12.2025

ORAL JUDGMENT (PER: M. W. CHANDWANI, J.):-

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by
consent of the learned counsels for the parties.

3. The petition challenges the order dated 07.08.2025 passed
by respondent no. 1- Education Officer (Secondary), Zilla Parishad,

Bhandara appointing respondent no. 2- Bhishma Namdeo Tembhurne as Incharge Headmaster of the school run by the petitioner- Society.

4. Directions were issued to the Education Officer to decide the seniority of the teachers and also to consequently decide the question of the appointment of Incharge Headmaster as per Rule 3(3) of the Maharashtra Employees of Private Schools (Conditions of Services) Regulation Act, 1977 and Rules, 1981 (for short, “MEPS Rules”). A number of Writ Petitions have been filed for appointment of teachers as well as on the issue of seniority amongst the teachers, more particularly for the purpose of securing the post of Incharge Headmaster.

5. The petitioner is a Society registered under the Bombay Public Trusts Act and runs educational institutions including Nisha Vidyalaya at Bhandara City. Due to a shortage of students, there was no regular post of ‘Headmaster’ in the school. As per Rule 3(3) of the MEPS Rules, the senior-most teacher of the school is being appointed as ‘Incharge Headmaster’ by the Education Officer. Since, the financial and administrative powers are vested with the Headmaster, the dispute with regard to seniority is being raised every now and then by the Management as well as Mr. Wadibhasme, who also happens to be the Secretary of the Management

6. It is pertinent to note here that initially, Smt. Kathale was working as the Headmistress till 24.10.1996 and later, her services were terminated. The said termination was challenged in Writ Petition No. 3909/2015. Meanwhile, some senior teachers were holding the post of Incharge Headmaster till 2006. In the year 2007, Mr. Manoj Wadibhasme came to be appointed as Incharge Headmaster subject to the decision in the petition filed by Smt. Kathale. It is pertinent to note that, Mr. Wadibhasme who happens to be the son of the then President, was appointed directly as Incharge Headmaster of the school. However, respondent no. 1 stayed/withdrew the approval granted to the proposal appointing Mr. Wadibhasme as Incharge Headmaster.

7. Later on, the said order of respondent no. 1 came to be challenged in Writ Petition No. 5581/2011. The said Writ Petition met the fate of dismissal at the hands of this Court vide order dated 13.02.2012. An unsuccessful attempt was also made by filing Special Leave Petition (SLP) No. 16795/2012. Again, a fresh proposal was made to respondent no. 1 showing the promotion of Mr. Wadibhasme as Incharge Headmaster of the school and the proposal was sent for approval. In Writ Petition No. 4743/2015 decided on 04.09.2015, a direction was sought by the petitioner to consider and decide the proposal for appointment of Mr. Wadibhasme on the post of Incharge

Headmaster within two months. By a communication dated 16.10.2015, it was informed that the proposal for appointment of Mr. Wadibhasme was already rejected on 04.09.2015. The said order again came to be challenged in Writ Petition No. 6485/2015, which came to be dismissed by order dated 17.06.2016, since the appointment of Mr. Wadibhasme was in contravention of sub-Rule 3 of Rule 12 of the MEPS Rules i.e. without observing *inter se* seniority.

8. Mr. Wazade, the senior-most teacher came to be appointed as Incharge Headmaster of the school. After superannuation of Mr. Wazade, again the petitioner-Management sent the proposal of Mr. Wadibhasme as Incharge Headmaster of the school. The Management also forwarded the seniority list to the respondent no. 1 showing Mr. Wadibhasme as the senior-most teacher. The next senior-most teacher in queue was Mr. Rahangdale who was then appointed as the Incharge Headmaster by order of respondent no. 1 dated 11.04.2022. The said order came to be challenged in Writ Petition No. 4299/2022 which is pending.

9. Respondent no. 1, after hearing all the concerned teachers including Mr. Wadibhasme, the teacher-cum-Secretary and the President of the petitioner- Society including respondent no. 2, by order dated 11.04.2022 found Mr. Wadibhasme to be the junior-most

teacher, even junior to the present respondent no. 2 and held that Mr. Rahangdale is the senior-most teacher of the school and therefore, directed the Management to submit a proposal for granting financial and administrative powers to Mr. Rahangdale. Ultimately, Mr. Rahangdale was appointed as Incharge Headmaster of the school. Thereafter, again the petitioner Management by letter dated 19.03.2025 raised a grievance against Mr. Rahangdale that he does not discharge the duties of Incharge Headmaster in their proper perspective and if the Writ Petition filed by him regarding his appointment as teacher is dismissed, then his appointment will be against the provisions of law and therefore, Mr. Wadibhasme be appointed as the Incharge Headmaster. Considering the interim order passed by this Court in Writ Petition No. 7577/2022 whereby Mr. Rahangdale was asked to work as Assistant Teacher without pay, respondent no. 1 did not extend his appointment as Incharge Headmaster after 30.06.2025. Finding respondent no. 2 as the second senior-most in the seniority list, he was given the post of the Incharge Headmaster by order dated 28.05.2025 which was challenged in Writ Petition no. 3299/2025. In the said petition, the direction to decide seniority list of the teacher was sought. However, the petition was disposed of at the stage of admission itself without issuing notice to the respondents and directing the Education Officer to decide

representation dated 19.03.2025 i.e. dispute referred by the petitioner regarding the seniority list of the teaching staff.

10. The contention is that, the seniority list of the Assistant Teachers submitted by the petitioner Management has not been decided by respondent no. 1. Canvassing the cause of Mr. Wadibhasme, it has been argued that Mr. Wadibhasme is the senior-most teacher and therefore, he be appointed as Incharge Headmaster by accepting the seniority list submitted by the petitioner-Management.

11. We need not delve into these issues but the fact remains that after the directions of this Court, the Education Officer withdrew the order of appointment of Mr. Rahangdale as Incharge Headmaster. After finding that respondent no. 2 is the senior-most teacher, the Education Officer appointed him as Incharge Headmaster of the school which is under challenge in this petition on the ground that the Education Officer has not decided the dispute of *inter se* seniority.

12. We have heard the learned counsel for the petitioner as well as the learned counsel for the respondents in detail. However, during course of hearing, we came across the order dated 11.04.2022 whereby, Mr. Rahangdale was appointed as Incharge Headmaster and

the Education Officer overruled the objection of Mr. Wadibhasme, whose cause has been canvassed by the Management. In the said order, Mr. Wadibhasme is shown as the junior-most teacher i.e. even junior to respondent no. 2 herein.

13. Perusal of the said order reveals that by the said order, the seniority amongst the teachers has already been decided after hearing all the concerned parties including the Management since, the President as well the Secretary of the Management were also present during the hearing. Now by way of the present petition, again the same cause of Mr. Wadibhasme is being canvassed by the Management stating that being the senior-most teacher, he should be appointed as the Incharge Headmaster.

14. Thus, what we gather from the seniority lists which were separately prepared by the Management is that, Mr Wadibhasme is shown as the senior-most teacher of the school. However, the issue with regard to seniority has already been decided by the Education Officer vide order dated 11.04.2022. Once the seniority of all the teachers including respondent no. 2 has already been decided by the Education Officer, there is no question of the Management deciding the same; more particularly, when Writ Petition no. 4299/2022 which was preferred challenging the issue as to seniority is already pending. The

learned counsel for the petitioner submitted that the said Writ Petition has now become infructuous since Mr. Rahangdale, who was appointed as the Incharge Headmaster ceases to be on the post.

15. At this stage, the learned counsel for the petitioner interrupted the Court and submitted that the Court is recording incorrect facts. When the learned counsel for the petitioner was confronted by the Court, the submission has been changed contending that these are disputed facts. What we have noted is a matter of record. Rather, the pleadings in the Writ Petition seem to be prepared by the petitioner management or by Mr. Wadibhasme. At this stage, we warn the learned counsel for the petitioner not to interrupt while the Court is dictating the order. Similar kind of behavior was also observed by us on the previous date during the course of arguments. Therefore, we feel it appropriate to have it on record.

16. We have also gone through the various orders and the Writ Petitions filed by the Management from time to time which demonstrate that efforts are being taken by the Management to make sure that anyhow, Mr. Wadibhasme who is a teacher as well the Secretary, should be given financial powers by appointing him as the Incharge Headmaster. In spite of respondent no. 1 declaring Mr. Wadibhasme as junior to Mr. Rahangdale and respondent no. 2 at least

on two occasions, a third attempt is being made by inventing the idea of preparing a fresh seniority list and sending it to respondent no. 1 for deciding it under Rule 12 of the MEPS Rules by creating some dispute to show Mr. Wadibhasme as the senior-most teacher.

17. Thus, it appears that by taking help of Rule 12(3) of the MEPS Rules, an artificial dispute has been created by the Management. We say so because the Management was well aware about the rejection of the proposal showing Mr. Wadibhasme as the senior-most teacher and the fact that respondent no. 1 decided the *inter se* seniority and put Mr. Wadibhasme at the place of the junior-most teacher being appointed at a later point of time, even after respondent no. 2. Thus, the petitioner was aware about the decision of the Education Officer dated 11.04.2022 when the so called teachers and Mr. Wadibhasme, the Secretary of the Management along with the President of the Management were also present. Further, the so called qualification for the post of Headmaster notified by way of Government Resolution dated 13.06.2005 is nothing but training to the Headmaster after being appointed. Therefore, just because Mr. Wadibhasme completed such training, the post of Headmaster cannot be given to him. Thus, we find that an artificial dispute is being created every now and then by the Management so as to invoke Rule 12 of the MEPS Rules just for

canvassing the cause of the Teacher-cum-Secretary. Therefore, we find that present petition has no merit.

18. It is pertinent to mention that, on the previous date as well, after hearing the learned counsel for the petitioner for some time, this Court opined that the petition has no merit but it was insisted that a detailed hearing is required and some documents need to be filed. We warned the learned counsel for the petitioner of imposing heavy costs if she is not able to convince us that the petition has merit. Consequently, on her insistence, the matter was adjourned for today and taken up accordingly. Regardless of the fact that even after seeking time, no documents were filed today, this Court gave a patient hearing to the matter for quite some time. However, for the reasons mentioned above, we could not find merit in the petition. In this scenario, we are constrained to impose cost upon the petitioner.

19. Hence, the Writ Petition is **dismissed** with costs of Rs. 1,00,000/- (Rs. One lakh) to be paid to the Government Pleader, High Court, Nagpur for development of the Library and to the Ucha Nayalaya Chaturth Shreni Karmachari Sangh, Nagpur equally within two weeks from today.

20. List the petition on 07.01.2026 for reporting compliance.

(M. W. CHANDWANI, J.)

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

RR Jaiswal