



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 WRIT PETITION NO. 15116 OF 2025

Nagnth Dagdu Valake

...Petitioner

VERSUS

1. The State Of Maharashtra Through Its Principal Secretary
School Education and Sports Department,
Mantralaya, Mumbai-32.
2. The Director of Education
Chhatrapati Sambhajanagar Division,
Chhatrapati Sambhajanagar.
3. The Education Officer (Secondary)
Zilla Parishad, Latur.
4. The Secretary/President,
Jawahar Shikshan Prasarak Mandal,
Ashiv, Tq. Ausa, Dist. Latur.
5. Jawahar Vidhyalaya Ashiv,
Tq. Ausa, Dist. Latur,
Through the Head Master.

...Respondents

...
Mr. S.S. Shinde, Advocate for the Petitioner
Ms. Neha Kamble, AGP for Respondents-State
...

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 29 JANUARY 2026

ORDER :

1. Present petition has been filed for following relief:

“B. By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature, the order dated 31.10.2025 (Exh. “D”) may kindly be quashed and set aside and the respondent No. 3 be directed to reconsider proposal of the petitioner and grant the approval for the promotion as Senior clerk in view of his promotion order dated 15.04.2025.”

2. Heard learned Advocate Shri. Shrikishan Shinde for the petitioner and Ms. Neha Kamble, learned AGP for Respondents-State. There is no necessity to issue notice to respondents No. 4 and 5.

3. Learned Advocate for the petitioner submits that petitioner was working as Lab Assistant with respondent No.5/School. He was promoted as Senior Clerk by order dated 15.04.2025 and thereafter Management had preferred the proposal which came to be rejected by Respondent No.3 on the ground that drive for absorption as contemplated in the communication dated 28.05.2025 by Director of Education has not been completed. The proposal cannot be rejected on this count. According to the petitioner, one Mr. Kakade was serving as Senior Clerk. He was promoted as Physical Teacher/Instructor. Thereupon his post of Senior Clerk became vacant and therefore present petitioner has been promoted. The communication dated 28.05.2025 is subsequent to the date of promotion of the petitioner. There was no question of absorption even according to the Government Resolution dated 04.04.2025.

4. Learned AGP submits that the petitioner was working as Lab Assistant and could not have been promoted on the post of Senior Clerk. As per the Government Resolution dated 04.04.2025, the staffing pattern

was fixed and certain directions were given for promotions as well as recruitment on compassionate basis. However, the absorption was yet to take place and therefore, communication dated 28.05.2025 was issued. Even as per the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, the petitioner was not entitled to be promoted.

5. The first and foremost fact to be noted is that while rejecting the proposal, respondent No.3 has not given a reason regarding eligibility or ineligibility of petitioner for promotion. Taking into consideration the communication dated 28.05.2025, the proposal has been rejected, which in fact subsequent to the date of promotion of the petitioner and therefore, said order is unsustainable. We do not want to go into the aspect regarding eligibility and ineligibility of the petitioner to be promoted, as aforesaid it is not the ground for rejection. Under such circumstance, order dated 31.10.2025 deserves to be quashed and set aside. Accordingly, the order dated 31.10.2025 stands quashed and set aside and the matter is relegated back to Respondent No.3 for taking decision on the proposal dated 13.05.2025, to be decided on its own merits.

6. We make it clear that Respondent No. 3 to give an opportunity of hearing to the petitioner and Respondent No.4 and 5

before taking the ultimate decision on the said proposal. The proposal be decided within a period of two months from today.

7. With these directions, writ petition is disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

Bhagyawant Punde