IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9503 OF 2026

Tushar Pandurang Bagade ..Petitioner

Versus

The Education Officer Raigad Zilla Parishad And Ors …Respondents

Mr. Yatin Malvankar, for the Petitioner.
Mr. Y. D. Patil, AGP, for the Respondent-State.
Mr. Avinash Fatangare, i/b Fatangare & Associates, for Respondent No.4.

ARUN RAMCHANDRA SANKPAL

Digitally signed by ARUN RAMCHANDRA SANKPAL
Date: 2026.08.25 20:11:14 +0530

CORAM: N. J. JAMADAR, J.

DATE : 17th AUGUST 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.

2. The challenge in this Petition is to an order passed by the Education Officer (Secondary) Raigad, Zilla Parishad, on a dispute having been raised by Respondent No.4, thereby directing the Management, Respondent No.2, to prepare the seniority list of the teachers in accordance with the Government Resolution dated 28th January 2025.

3. In the Seniority List prepared by Management (R2), for the year 2025-2026 (Exhibit “G”), the Petitioner was shown senior to Respondent No.4. Petitioner was placed at Sr. No. 3 and Respondent

No.4 at Sr. No. 4. It appears that Respondent No. 4 disputed the correctness of the determination of the seniority and initially filed an objection with the Management (R2).

4. In the wake of the said objection, the Management (R2) provided an opportunity of hearing to the concerned teachers on 22nd March 2026, but before the Management (R2) could take a decision, Respondent No.4 raised a dispute with the Education Officer (R1) on 30th March 2026.

5. By the impugned order, Respondent No.1 has directed the Management (R2) to draw a fresh seniority list in accordance with the Government Resolution dated 28th January 2025, opining that the seniority list prepared for the year 2025-2026 (Exhibit "G") was not in accordance with the directives in the Government Resolution dated 28th January 22025.

6. The principal grievance of the Petitioner was that, before passing the impugned order, the Education Officer did not provide an opportunity of hearing to the Petitioner though the Petitioner would be affected by the order that might have been passed in the said dispute filed by Respondent No.4.

7. The parties are at issue over the position that has emerged post the amendment in the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, incorporated by the Maharashtra

Employees of Private Schools (Conditions of Service) (Amendment) Rules, 2023 and the applicability of the Government Resolution dated 28th January 2025. It was the contention on behalf of the Petitioner that, the facts of the case at hand are not governed by the Government Resolution dated 28th January 2025.

8. The Court finds that, in effect, the Education Officer has directed the Management (R2) to draw a fresh seniority list in accordance with the Government Resolution dated 28th January 2025. The Management (R2) has yet not taken any decision. Nay before the the Management (R2) could take the decision, the Respondent No. 4 filed the dispute before the Education Officer. Thus, it would be in the fitness of things that the Management (R2) takes a decision on the objection / grievance of Respondent No.4 in regard to the fixation of the seniority and considers the applicability of the Government Resolution dated 28th January 2025. Depending on the decision which may be taken by the Management (R2), the aggrieved party shall be at liberty to invoke the remedies as available in law.

9. The Petition thus stands disposed with a direction to the Management (R2) to take decision on the objection / grievance of Respondent No.4 in regard to fixation of the seniority, as fixed vide the seniority list (Exhibit "G"), within a period of four weeks from the date of communication of this order.

10. While taking the said decision, Respondent No. 4 shall consider the applicability of Government Resolution dated 28th January 2025.

11. It is clarified that this Court has not entered into the merits of the matter and all the contentions of all the parties are kept open for consideration.

[N. J. JAMADAR, J.]