



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

**WRIT PETITION NO.1193 OF 2023**

1. Shri Gajanan Maharaj Shikshan  
Sanstha, Hiwara-Tandali, a Public  
Trust duly registered under the  
provisions of Maharashtra Public Trust Act,  
bearing Registration No.F/1179,  
Through its President, Tahsil & Dist.  
Washim.
2. The Headmaster, Shri Dilip Patangrao  
Deshmukh, Dr. Panjabrao Deshmukh  
Vidyalaya, Tandali-Hiwara, Tahsil & Dist.  
Washim.

**....PETITIONERS**

**...V E R S U S...**

1. Madan Shridhar Ghule  
Aged about 52 years, Occ: Service/  
Teacher, R/o Chandak Layout Lakhala,  
Washim, Tahsil and District Washim.
2. The Education Officer (Secondary),  
Zilla Parishad, Washim,  
Tahsil & District Washim.

**...RESPONDENTS**

**WITH**

**WRIT PETITION NO.4928 OF 2024**

1. Shri Namdeo S/o Bhaurao Danmode,  
Aged about 51 years, Occ: Service,  
R/o Tandali-Hiwara, District Washim.
2. Shri Thansingh Harlal Sable  
Aged about 52 years, Occ: Service,  
R/o Tandali-Hiwara, District Washim.

**....PETITIONERS**

**...V E R S U S...**

1. Madan Shridhar Ghule  
Aged about 52 years, Occ: Service/  
Teacher, R/o Chandak Layout Lakhala,  
Washim, Tahsil and District Washim.
2. The Headmaster, Shri Dilip Patangrao  
Deshmukh, Dr. Panjabrao Deshmukh  
Vidyalaya, Tandali-Hiwara, Tahsil & Dist.  
Washim.
3. Shri Gajanan Maharaj Shikshan  
Sanstha, Hiwara-Tandali, a Public  
Trust duly registered under the  
provisions of Maharashtra Public Trust Act,  
bearing Registration No.F/1179,  
Through its President, Tahsil & Dist.  
Washim.
4. The Presiding Officer, School  
Tribunal, Amravati Division,  
Amravati, Tahsil & District  
Amravati.
5. The Education Officer (Secondary),  
Zilla Parishad, Washim,  
Tahsil & District Washim.

...RESPONDENTS

-----  
Shri A.M. Ghare, Advocate for petitioners in W.P. No.1193/2023.  
Shri R.V. Gahilot, Advocate for petitioners in W.P. No.4928/2024.  
Ms Smita S. Dashputre, Advocate for respondent no.1  
Ms D.V. Sapkal, AGP for respondent/State.  
-----

**CORAM:- M.W. CHANDWANI, J.**  
**DATE :- 28.01.2026**

**ORAL JUDGMENT:**

. **Rule.** Rule made returnable forthwith. Heard finally  
with the consent of both the parties.

2. Both the writ petitions are arising out of the common  
judgment and order dated 31.01.2023 passed by the Presiding

Deleted as per  
Court's order dated  
23.08.2024.

Officer, School Tribunal, Amravati (for short “School Tribunal”) in Appeal No.20/2020 whereby the School Tribunal directed the Management to promote respondent no.1 in both petitions namely Shri Madan Shridhar Ghule as Headmaster of Dr. Panjabrao Deshmukh Vidyalaya, Tandali-Hiwara from 01.04.2020 and quashed and set aside the promotion order dated 01.04.2020 of promoting one Dilip Patangrao Deshmukh i.e. petitioner no.2 in Writ Petition No.1193/2023 / respondent no.2 in Writ Petition No.4928/2024 (in short Shri Deshmukh) as Headmaster.

3. In Writ Petition No.1193/2023 the Management and Shri Deshmukh who was promoted as Headmaster are aggrieved by the impugned order. Whereas, in Writ Petition No.4928/2024 the other teachers claim that they are senior to both respondent no.1 and Shri Deshmukh.

4. The main contention of the Management and Shri Deshmukh is that there are three persons who are senior to respondent no.1; they have not been considered by the School Tribunal only on the ground that the seniority list of 2017 was neither produced by the Management nor by Shri Deshmukh and relied on the version of respondent no.1, presented via affidavit that in seniority list of 2017 he was shown senior and therefore,

the adverse inference came to be drawn by the School Tribunal.

5. Perused the record and impugned order it appears that, there is specific finding of the facts in para 68 of the impugned order that there is nothing adverse during the previous five years preceding the date of promotion and the Management tried to create record against respondent no.1. Thus, the Management failed to prove that service record of respondent no.1 is unsatisfactory. Therefore, the finding of the School Tribunal that the service record of respondent no.1 is satisfactory is correct one.

6. It appears that there was no seniority list of 2017 on record. The seniority list of 2018 and 2019 showed that other assistant teachers are senior to him. Though the School Tribunal gave finding that respondent no.1 is senior to Shri Danmode but no finding in this regard has been given in respect of Shri Sable and Shri Devare whether they are really senior to him or not. That apart, No Objection Certificates given by these two teachers are held to be invalid by the impugned order. Though, respondent no.1 claims that the No Objection Certificates which have been received from Shri Sable, Shri Devare and Shri Danmode are duly signed before the Education Officer but these facts were not on record. It was obtained by the Management and Shri Deshmukh

under the Right to Information Act, 2005, after disposal of the appeal and therefore, it could not be placed before the School Tribunal.

7. Thus, it appears that whether Shri Sable and Shri Devare are senior to respondent no.1 has not been decided by the School Tribunal. Likewise, the No Objection Certificates duly signed by these two teachers before the Education Officer were not on record of the School Tribunal. Unless these points are decided, respondent no.1 cannot be promoted. That apart, Shri Sable and Shri Devare and Shri Danmode to whom the Management treated as senior to respondent no.1 and Shri Deshmukh were not party before the School Tribunal.

8. In light of the above contentions and observations, it appears that Shri Deshmukh is junior to all four persons. However, the matter is required to be remanded back to the School Tribunal for deciding the seniority *inter se* amongst Shri Sable, Shri Devare, Shri Danmode and respondent no.1. No doubt, it was the duty of the Management to produce seniority list of 2017 but the rights of the other teachers ought to have been considered as well. Therefore, in my view, the matter shall be remanded back to the School Tribunal for deciding the seniority *inter se* amongst them

apart from the fact that whether No Objection Certificates were duly given by Shri Sable, Shri Devare and Shri Danmode as per rules or not.

9. It appears that, respondent no.1 alleges that the Management is dogging him away from his statutory claim i.e. promotion of the year 2020 to the post of Headmaster, and that more than five years have been passed since the appeal was filed in 2020. Given the factual situation, the Management should not take undue advantage of the pending proceeding; therefore, it is expedient to direct the School Tribunal to decide the above referred two points within three months from the date of receipt of the order.

10. The parties are directed to appear before the School Tribunal on 16.02.2026.

11. The School Tribunal may hear the matter on day-to-day basis.

12. Respondent no.1 to add Shri Sable, Shri Danmode and Shri Devare as party to the proceedings before the School Tribunal.

13. The impugned order to the above extent is quashed and set aside.

14. With the abovesaid directions, both the petitions bearing Writ Petition Nos.1193/2023 and 4928/2024 are disposed of.

15. Rule accordingly.

(M.W. CHANDWANI, J.)

Wagh