



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

WRIT PETITION NO. 1285 OF 2025

- PETITIONERS** :
1. Nutan Maharashtra Vidya Vikas Mandal,
Through its Secretary, Khat Road,
Bhandara, Tah. and Dist. Bhandara.
 2. Sanjivkumar Khushalchand Bandebuche,
Aged about 56 years, Occu.: High School
Assistant Teacher, R/o 40, Sai Shradha,
Sneha Nagar, Takiya Ward, Bhandara.

-Versus-

- RESPONDENTS** :
1. State of Maharashtra, through its Secretary,
Department of Education, Mantralaya,
Mumbai-32.
 2. Education Officer (Sec.), Zilla Parishad,
Bhandara.
 3. Shri D.B.Sakure, Supervisor, Bansilal Lahoti
Nutan Maharashtra Vidyalaya, Khat Road,
Bhandara.

Shri P P Thakre, Adv. for the petitioners.
Ms. M. S. Naik, AGP for the respondent Nos.1 & 2.
Mr.A.D.Dangore, Adv. for the respondent No.3.

**CORAM: SMT. M. S. JAWALKAR &
NANDESH S. DESHPANDE, JJ.**

**CLOSED ON : 19TH JANUARY, 2026
PRONOUNCED ON : 12TH JANUARY, 2026**

J U D G M E N T (Per : Smt. M. S. Jawalkar, J.)

Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally with the consent of the learned counsel for the parties.

3. By the present petition, the petitioners challenge the legality and validity of the order dated 03.02.2025 passed by respondent No.2-Education Officer (Secondary), Zilla Parishad, Bhandara, whereby the petitioner No.2 has been wrongly held to be junior to the respondent No.3, resulting in serious prejudice to the petitioners.

4. The petitioner No.1-Society is a registered society under the Societies Registration Act, 1860 and a public trust under the Maharashtra Public Trusts Act, 1950 and is running the school by name Nutan Maharashtra Vidyalaya, Bhandara, which receives 100% grant-in-aid from the State Exchequer.

5. It is submitted that the petitioner No.2 is duly qualified, having obtained B.A. (2012), M.A. (2023), D.Ed. (1987), B.Ed. (1997), Sahitya Sudhakar (1987 — equivalent to B.A.), Hindi Shikshan Parangat (1997), and has also passed the Diploma in School Management Examination, which is a mandatory qualification for promotion to the post of Headmaster. The petitioner No.2 is thus fully eligible and qualified for the appointment and promotion as an

Assistant Teacher/Headmaster under the applicable rules.

6. The petitioners contend that the petitioner No.2, being duly eligible and qualified, was appointed as an Assistant Teacher by the petitioner No.1-Society in the Middle School Section of the aforesaid school by following due process of law, vide appointment order dated 18.07.1988. The petitioners further contended that the said appointment of the petitioner No.2 was duly approved by the respondent-Education Officer vide approval order dated 04.03.1989. It is contended that considering his qualifications, the petitioner No.2 was promoted as High School Teacher (Category 'C') by the School Committee Resolution dated 24.09.1995, and appointed w.e.f. 01.10.1995, which was also duly approved by the respondent-Education Officer on 13.03.1996. Necessary entries were made in his service book, and he has continuously worked as High School Teacher since then. Despite this, the petitioner No.2 was wrongly not shown in Category 'C' in the seniority lists, and he consistently recorded his protest in the seniority lists for the years 2016–17, 2017–18 and also 2018–19.

7. The petitioners contended that the respondent No.3, holding B.A., B.Ed., was appointed only on 01.10.1996 and therefore, could enter into Category 'C' only from that date, whereas the petitioner No.2 possessed Hindi Sahitya Sudhakar qualification since

1987, equivalent to B.A., entitling him to enter into Category 'C' from 1988 or at least from 01.10.1995. The petitioner No.2 made representations seeking correction of seniority and promotion as Headmaster, notably on 28.09.2016, 13.12.2017, and 11.01.2024, relying upon amendments to Schedule 'F' and the Notification dated 24.03.2023, which recognize Category 'C' placement based on graduation or equivalent qualifications with prescribed service.

8. The petitioners submitted that the petitioner No.2 became eligible for Selection Grade after completing 24 years of service and was accordingly granted the same on 30.10.2023, further affirming his status as High School Teacher. After hearing both the petitioner No.2 and the respondent No.3, the petitioner No.1-Society passed a reasoned order on 25.11.2024, holding the petitioner No.2 as a senior in Category 'C' and prepared a seniority list accordingly.

9. The petitioners contend that even after the Government issued the clarification via directions on 28.01.2025 that seniority in secondary section is to be reckoned from the date of appointment in that section, the Education Officer, without proper application of mind, passed the impugned order dated 03.02.2025, wrongly declaring the respondent No.3 as senior to the petitioner No.2.

10. The petitioners contended that the impugned order ignores that the petitioner No.2 has been working as a High School Teacher

since 01.10.1995, possessed equivalent graduation qualification since 1987, fulfills the eligibility under Schedule 'F' and Rule 3, and is therefore the senior-most and eligible candidate for promotion as Headmaster. The learned counsel for the petitioners relied on the judgment in **President/Secretary, Shikshan Prasarak Mandal & anr. v. Hema Balkrishna Agawane & ors.** (*Writ Petition No.7361 of 2017*) decided on 12/02/2025.

11. *Per contra*, the respondent No.2-Education officer submitted that the impugned order dated 03.02.2025 is self-explanatory and was passed in view of the existing seniority dispute between two teachers. The Management had earlier prepared a seniority list dated 01.01.2024 showing the respondent No.3 as senior to the petitioner No.2, and thereafter, issued another list dated 25.11.2024 showing the petitioner No.2 senior to the respondent No.3. Since both the lists apparently remain contradictory, the matter craves proper adjudication.

12. It is further contended that the petitioner No.2 was initially appointed on 18.07.1988 in the Middle School section with SSC D.Ed. qualification and entered into Category 'C' only on 20.09.1997 after acquiring Hindi Shikshan Parangat qualification which is equivalent to B.Ed. While, in contrast, the respondent No.3 was appointed on 01.10.1996 in the High School with B.A., B.Ed. qualifications and was

already in Category 'C' from that date, making him senior to the petitioner No.2 and for the said reasons, the objections raised by the petitioners are untenable, and the seniority list dated 25.11.2024 prepared by the Management is improper and liable to be rejected, with a direction to prepare a fresh seniority list in accordance with the provisions of the MEPS Rules, 1981.

13. The respondent No.3 in the submissions placed on record contended that the impugned order dated 03.02.2025 passed by the Education Officer is lawful and does not call for any interference. The Management had already published a seniority list on 01.01.2024, in which the respondent No.3 (D.B. Sakure) was shown as senior to the petitioner No.2 (S.K. Bandeduche). The petitioner No.2 not only failed to object the same, but also signed the said list. This position had remained unchanged since 1996, and therefore, after a delay of nearly 28 years, the petitioner No.2 is barred by delay, laches and estoppel from challenging the same. The second seniority list dated 25.11.2024, showing the petitioner No.2 as senior, was issued without any resolution of the Management and was objected to by the president by the communication dated 10.12.2024, making it illegal and *mala fide*.

14. On merits, furthermore, the respondent No.3 submitted that the petitioner No.2 was appointed on 18.07.1988 in the primary

section with SSC, D.Ed., and entered into Category 'C' only on 20.09.1997 after acquiring Hindi Shikshan Parangat (Equivalent to B.Ed.). In contrast, the respondent No.3 was appointed on 01.10.1996 with B.A., B.Ed. Qualification directly in the secondary section and was already in Category 'C' prior to the petitioner No.2. The Government clarifications dated 24.03.2023 and 28.01.2025 clearly provide that seniority is to be counted from the date of acquiring requisite qualifications and entry into the relevant category. Hence, the respondent No.3 is rightly senior to the petitioner No.2, the impugned order dated 03.02.2025 is valid, and the petition deserves dismissal. The learned counsel for the respondent No.3 relied on the judgment in **Ku.Bhawana v. State of Maharashtra & Ors., 2019 (1) ALL MR 954 (S.C.)**.

15. Heard the learned counsel for the parties at length, carefully examined the pleadings and documents on record by the respective sides and the citations.

16. According to the petitioners, the petitioner No.2 entered into Category 'C' on acquiring Hindi Sahitya Sudhakar qualification and he ought to have shown in Category 'C' from 01/10/1995. Whereas, the respondent No.3 was appointed on 01/10/1996 holding B.A., B.Ed. qualifications and entered into Category 'C' from initial appointment. As such, determination of *inter se* seniority is the issue

raised by the petitioners. Rule 12 of MEPS Rules, 1981 mandates that every Management shall prepare and maintain seniority list of the teaching staff including headmaster and assistant headmaster and non-teaching staff in the school in accordance with the guidelines laid down in Schedule 'F'. "Guideline '2' contained in Schedule "F" with which we are primarily concerned in the case at hand, reads as under:

"2. Guidelines for fixation of seniority of teachers in the secondary schools Junior Colleges of Education and Junior College classes attached to secondary schools and Senior Colleges.

For the purpose of fixation of seniority of teachers in the secondary schools. Junior Colleges of Education and Junior College classes attached to Secondary Schools the teachers should be categorised as follows:

Category A:

Category B:

Category C: Holders of-

M. A./M. Sc./M.Com., B.T./B. Ed., or its equivalent;

or

B. A./B. Sc/B.Com., B.T./B.Ed., or its equivalent;

or

B. A./B. Sc/B.Com. Dip.T. (old two years course);

or

[B. A./B. Sc./B.Com., S. T. C./Dip. Ed./Dip. T. (one year course) with 10 years post-S. T. C. etc. service.

[B. A. or its equivalent plus Senior Hindi Shikshak Sanad with five years service; or Junior Hindi Shikshak with ten years service [after obtaining both academic and training qualifications.]]

Category D:.....

Category E:.....

Category F: Untrained Graduates or holders of equivalent qualification.

Category G:.....

Category H:

Note 1: For the purpose of categories C, D, and E teachers with S. T. C, T., D., Jr. PT. C. Dip, T., Dip. Ed. (post S.S.C. one year course) qualifications appointed on or after 1st October 1970 shall be considered as untrained and their seniority shall be fixed in the 'F' or 'G' category of untrained teachers as the case may be.

Note 2: The following training qualifications which can be secured two years after S.S.C. Examination shall be considered as training qualification for the purpose of seniority even after 1st October 1970-

(1) D. Ed. (2 years).

(2) T. D. (Bombay University).

(3) Dip. Ed. (Nagpur University).

Note 3: In the case of teachers whose date of continuous appointment in one and the same category is common, the teacher who is senior by age will be treated as senior.

Note 4: The categories mentioned above represent the ladder of seniority and have been mentioned in descending order..

The guidelines contained in Schedule "F" are required to be read as whole. Construing the entries in a particular category in isolation may lead to anomalous consequences.”

17. In **President/Secretary, Shikshan prasarak Mandal & Anr. v. Hema Balkrishna Agawane & Ors.** (*supra*), wherein this Court relied on the judgment in **Sahakar Vidya Prasarak Mandal, Through Its President/Secretary and others v. Dinesh Karbhari Kute and Another** [(2023) SCC 3, Bom CR 390], in which this Court held in paras 29 and 30 as under:

“29. A conjoint reading of Notes 1 and 2 would indicate that the training qualifications described under Note 2 constitute a class by themselves and are required be reckoned for the purpose of seniority even if they are acquired post 1st October, 1970. Secondly such interpretation is required to be given which gives play to operate both Note 1 and Note 2.

30. This position becomes more clear if the training qualifications subsumed in the third entry are considered. It contains the qualification B.A/B.Sc./B.Com. Dip.T (old two years course) whereas the forth entry contains post graduate training qualifications of S.T.C./Dip.Ed./Dip.T. (One year course). Again the distinction between two years training qualification course and one year course is maintained and treated differently by putting those qualifications in the succeeding entries. Note 4, thus, ordains that the categories mentioned under guideline 2 represent the ladder of seniority and have been mentioned in descending order.”

18. In case, if comparison of petitioner No.2 as well as the

respondent No.3 is taken into consideration, following difference would be shown in their educational and professional qualifications:

Name of Candidates	Petitioner Mr.Sanjivkumar Khushalchand Bande buche	Respondent No.3 Mr. D.B.Sakure
Date of Appointment	18/07/1988	01/10/1996
Qualification at the time of Appointment	S.S.C, D.Ed.	B.A., B.Ed.
Category holding at the time of appointment	‘H’ 18/07/1988	‘C’ 01/10/1996
Acquired Educational Qualification	Sahitya Sudhakar Pariksha equivalent to B.A. in the year 1995	--
Management recorded and approved the educational qualification	01/10/1995 B.A., D.Ed.	01/10/1996
Acquired Professional Qualification	Hindi Sikshan Parangat (Agra Vidyapeeth Va Shikshan) in the year 1997.	01/10/1996
Order regarding qualified pay scale & Category	20/09/1997 “C”	01/10/1996 “C”
Additional Qualifications acquired.	B.A. from Rashtrasant Tukadoji Maharaj Nagpur University in the year 2021 M.A. from Yashwantrao Chavan Maharashtra Open University, Nashik in the year 2023.	

Category Holding in March, 2023	“C” 20/09/1997	“C” 01/10/1996
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19. As per the petitioners, the petitioner No.2 acquired qualification in Shikshan Vidya Parangat Pariksha from Agra University in 1997, which is equivalent to B.Ed. He entered into Category ‘C’ on 20/09/1997. It is contention of the petitioners that the petitioner No.2 ought to have shown in Category ‘C’ as per the Government Notification dated 24/03/2023.

20. The learned AGP on behalf of the Education Officer (Secondary) submitted that at the time of initial appointment, the petitioner No.2 was having S.S.C., D.Ed. and he acquired Hindi Shikshan Parangat Pariksha in the year 1997, which is equivalent to B.Ed. With this qualification, the petitioner No.2 has entered into Category ‘C’ from 20/09/1997, whereas the respondent No.3 was appointed on 01/10/1996 and having educational qualification B.A., B.Ed. in high school, therefore, the respondent No.3 has already entered into Category ‘C’ of the said school. The learned counsel appearing for the respondent No.3 also supported the contention of the respondent No.2-Education Officer (Secondary).

21. If Schedule ‘F’ is perused, the requisite qualification is shown as under:

“Category C: Holders of-
M. A./M. Sc./M.Com., B.T./B. Ed., or its equivalent;
or
B. A./B. Sc/B.Com., B.T./B.Ed., or its equivalent;
or
B. A./B. Sc/B.Com. Dip.T. (old two years course);
or
[B. A./B. Sc./B.Com., S. T. C./Dip. Ed./Dip. T. (one year course) with 10 years post-S. T. C. etc. service.
[B. A. or its equivalent plus Senior Hindi Shikshak Sanad with five years service; or Junior Hindi Shikshak with ten years service [after obtaining both academic and training qualifications.]]”

22. Thus, even if the petitioner No.2 has acquired B.A. qualification, he is not holding requisite qualification of B.Ed. or its equivalence. Admittedly, he has obtained the qualification equivalent to B.Ed. i.e. Hindi Shikshan Parangat Pariksha in the year 1997 only; whereas, the respondent No.3 is having educational qualification of B.A., B.Ed. at the time of his initial appointment, i.e. 01/10/1996. Thus, the entry of petitioner No.2 in Category ‘C’ is subsequent to the respondent No.3. Note-4 of the Schedule ‘F’ categorically states that the categories mentioned above represent the ladder of seniority and have been mentioned in descending order.

23. The learned counsel for the respondent No.3 relied on the judgment in **Ku.Bhawana v. State of Maharashtra & Ors.** (*supra*), in which identical facts were involved. The Hon’ble Apex Court held in para-10, which is reproduced as under:

“10. Indisputedly, the 5th respondent was holding the qualification of B.A. B.Ed. at the time of his initial appointment dated 13th August, 1997 and became a member of category 'C'. At the same time, the appellant though appointed on 27th June, 1994 as an untrained teacher, having acquired the training qualification i.e. B.Ed. on 19th September, 1997 and became a member of category 'C' after entry of the 5th respondent into service as a trained teacher, could not have claimed seniority in category 'C' over the 5th respondent prior to acquiring professional qualification(B.Ed) as envisaged under the Scheme of Rules, 1981 as trained teacher and this what was considered by the authority who examined the inter se seniority of the appellant visavis 5th respondent under the Rules, 1981 and confirmed by the High Court on dismissal of the writ petition preferred by the appellant.”

24. In view of the ratio laid down in the above referred citation and also in view of the fact that at the time of initial appointment of the petitioner No.2 was not holding requisite professional qualification i.e. B.Ed. or equivalent thereto. As such, there is no substance in the petition and the same is liable to be dismissed. Accordingly, the writ petition stands dismissed.

25. Rule stands discharged. No costs.

(NANDESH S. DESHPANDE, J)

(SMT. M. S. JAWALKAR, J)