



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

WRIT PETITION NO. 4235 OF 2025

PETITIONER :
(Applicant)

Gautam S/o Mahadeo Meshram, Aged about 56 years, Occu.: Service, R/o D.L. Pampattiwar Layout, Ghatanji, Tah. Ghatanji, District Yavatmal.

-Versus-

RESPONDENTS :

1. State of Maharashtra, through its Deputy Director of Education, Amravati Division, Office at Tope Nagar, Amravati, Tq.& Distt. Amravati.
2. Education Officer (Secondary), Zilla Parishad, Yavatmal, Tq.& Distt. Yavatmal.
3. Shikshan Prasarak Mandal, Gatanji, Tah.Ghatanji, Distt. Yavatmal, through its President/Secretary and President of School Co-ordination Committee. Tah.Ghatanji, Distt. Yavatmal.
4. Shikshan Prasarak Mandal Uchchar Madhyamik Vidyalaya, Gatanji, Tah. Ghatanji, Distt. Yavatmal, through its Headmaster.
5. Manoj S/o Istari Burande, Aged – Major, Occu.: Service, R/o. Gatanji, Tah. Ghatanji, Distt. Yavatmal

Shri M.R.Johrapurkar, Adv. for the petitioner.
Mr.S.V. Narale, AGP for the respondent Nos.1 and 2.
Mr. Abhay Sambre, Adv. for the respondent Nos.3 & 4.
None for the respondent No.5.

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

**CLOSED ON : 13TH MARCH, 2026
PRONOUNCED ON : 24TH MARCH, 2026**

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

Heard. Though served, none appears for the respondent No.5.

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

3. The present petition is filed challenging the order dated 01/01/2025, passed by respondent No.2-Education Officer (Secondary), by which he has confirmed the promotion of respondent No.5-M.I.Burande, Assistant Teacher as Supervisor. It is contention of the petitioner that despite he is senior, his claim is not considered by the Education Officer (Secondary) and promoted one Shri Burande. It is contention of the petitioner that he has acquired graduation as well as training qualification prior to the respondent No.5. In view thereof, he is senior to the respondent No.5.

4. The learned AGP supported the impugned order and pointed out that the order passed by the respondent No.2-Education Officer (Secondary) was passed after due enquiry to that effect.

5. Shri Abhay Sambre, learned counsel for the Management submitted that there is no error in the impugned order passed by the respondent No.2-Education Officer (Secondary), as both the petitioner as well as respondent No.5 entered into Category 'C' with requisite qualification, therefore, only date of appointment is relevant in this matter.

6. The learned counsel for the petitioner placed reliance on the judgment in **Gaur Pratibha and others v. State of Maharashtra and others, 2019 SCC OnLine Bom 597**, wherein it is observed by this Court in para-78, as under:

“78. Repelling the appellant's arguments, Bhawana holds in fact, reiterates-that seniority in the primary school is based on the date of the teacher's "joining service and continu[ed] officiation." On the other hand, the seniority "in the secondary schools, junior colleges of education, and junior college classes attached to secondary schools and senior colleges," stands graded into separate categories, from A-H. As to the persons holding various qualifications falling in categories C to H, their seniority is determined, Bhawana clarifies, based on the total service rendered by the teacher "in a particular cadre". And the method of promotion, then, stands explained in Note 5.”

This Court also observed in the above judgment in 121 as under:

“121. Once a few teachers reach a common category, equal they may have all been in rank, but their seniority depends on who entered the specific category first. And this entry depends on the date of the teacher’s acquiring qualification, not on the date of his or her joining service. ”

Emphasizing on Schedule-B of the MEPS Act, this Court in the above judgment held in para-122, 123, and 124 as under:

“122. Thus, a teacher who is a member of a lower category can in no manner rank senior to the teacher who is already a member of a higher category. Such a claim could be based neither on his continuous service nor on his acquiring the qualification and reaching the higher category. To be specific a teacher, for example, in Category D, E, or F, on later migration to Category C, cannot steal a march over a teacher already ensconced in that higher Category. That teacher's seniority by length of service and by his or her later acquiring the requisite, additional, or even superior qualifications does not defeat the right of teachers already found placed in Category C. What applies to Primary Teachers cannot apply to Secondary Teachers, for the Rules do keep these two streams of teachers unmixed.

123. Once, secondary teachers enter a common category from different sources, how should their seniority be reckoned is it from the date of their entering and continuously officiating or from the date of their acquiring qualification to reach that common category?

124. The seniority must be reckoned from the date they entered the desired category; that is, from the date they acquired the necessary qualification, but not from the date of their entry into service.”

7. The petitioner also placed reliance on the judgment in **Sunil S/o Pandhari Nagrare v. State of Maharashtra and others, 2020 (6) Mh.L.J. 675**, wherein this Court in para-22 relied on paras 118 and 119 of the Full Bench judgment of this Court in ***Vaijanath s/o Tatyarao Shinde v. Secretary Marathwada Shikshan Prasark Mandal, Devgiri College Campus, Aurangabad and others, 2006 (6) Mh.L.J. (F.B.) 682 (supra)***, which are reproduced as under:

“118. Once, Secondary teachers enter a common category from different sources, how should their seniority be reckoned: is it from the date of their entering and continuously officiating or from the date of their acquiring qualification to reach that common category?”

119. The seniority must be reckoned from the date they entered the desired category; that is, from the date they acquired the necessary qualification, but not from the date of their entry into service.”

8. In view of this position, it would be appropriate to prepare a comparative chart of both the petitioner as well as respondent No.5.

Name of Candidates	Petitioner Mr.G.M.Meshram	Respondent No.5 Mr. M.I.Burande
Date of Appointment	29/12/2001	01/12/1999
Appointment as	Assistant Teacher	Assistant Teacher
Qualification at the time of Appointment	B.A., B.Ed.	B.Com / B.A., B.Ed.
Category holding at the time of appointment	‘C’	‘C’
Seniority as on 26/06/2019	Sr.No.12	Sr.No.7

9. On perusal of above chart, it is clear that both the petitioner as well as respondent No.5 when entered into service, they were duly qualified and directly entered into category C. As such, there is no question of acquiring any Training Qualification as mentioned in the judgment cited above. The respondent No.5 came to be appointed on 01/12/1999. At the relevant time, he was holding qualifications B.Com. B.A. B.Ed. Similarly, the petitioner came to be appointed on 29/12/2001. At the relevant time, he was holding qualifications B.A. B.Ed. As such, there is no question of acquiring any training qualification after entering into Category 'C'. As such, there is no illegality or error in the order passed by the respondent No.2-Education Officer (Secondary) dated 01/01/2025. By this order, the respondent No.2-Education Officer (Secondary) confirmed his earlier order dated 25/09/2023, declaring respondent No.5-Manoj Istari Burande as senior to the petitioner and promoted him as Supervisor. Accordingly, the writ petition stands dismissed as devoid of merit.

10. Rule stands discharged. No costs.

(NANDESH S. DESHPANDE, J)

(SMT. M. S. JAWALKAR, J)