



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION No.7912 OF 2025

Mrs. Sunanda Rajendra Mehere,
Aged about 57 years,
Occ. - Service,
R/o. Vaibhav Colony Dastur Nagar,
Amravati.

: PETITIONER

...VERSUS...

1. Municipal Corporation, Amravati,
through its Commissioner,
Rajkamal Chowk, Amravati.

2. Education officer,
Amravati Municipal Corporation,
Rajkamal Chowk, Amravati.

: RESPONDENTS

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Mr. R.V. Shiralkar, Advocate for Petitioner.

Mr. A.P. Kalmegh, Advocate for Respondents.

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

DATE : **26th MARCH, 2026.**

ORAL JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

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

2. The present petitioner challenges order dated 9.6.2025
issued by the respondent demoting the petitioner from the post of

Head-Mistress, to the post of Assistant Teacher.

3. The facts as stated in the petition are as under :

The petitioner being eligible and qualified came to be appointed as an Assistant Teacher in a school run by the Amravati Zilla Parishad vide order dated 18.1.1989 on which she accordingly joined. In the year 2010 as the area of the Municipal Corporation expanded, therefore, the schools of the Zilla Parishad were transferred to the Municipal Corporation, Amravati. In pursuance to the same, the petitioner was absorbed in the school run by the Municipal Corporation.

4. The State of Maharashtra issued a Government Resolution on 13.8.1990 wherein it is clearly held that the services rendered earlier in Zilla Parishad were taken into consideration for all purposes after being absorbed in the school run by the respondent Municipal Corporation. Accordingly, in the year 2011, the respondent prepared a seniority list and the name of the petitioner could not find a place in the same. This constrained the petitioner and the other likely affected persons to file Writ Petition before this Court bearing Writ Petition No.3822/2010. Thereafter, on 6.9.2022 the petitioner was promoted on the post of Principal and came to be posted at Municipal Corporation School No.7

Badnera.

5. On 12.3.2025 the Writ Petition bearing Writ Petition No.3822/2010 was heard and decided by this Court and the same was allowed. Relying on earlier judgment of the Principal Seat in **Chhaya Pandurang Thate and others Vs. Pune Municipal Corporation** (Writ Petition No.7135/2019), this Court held that the seniority of the petitioner should be calculated from the initial date of appointment in the school run by the Zilla Parishad and not from the date of their absorption in the school run by the respondent Corporation. It can be seen from the record that the petitioner was one of the petitioners in the said petition and as arrayed as petitioner No.47.

6. Furthermore, another Writ Petition was filed bearing Writ Petition No.3133/2015 by the candidates, who opposed employees of the Municipal Corporation and the Government Resolution dated 13.8.1990. However, same was dismissed by this Court on 12.3.2025. In the backdrop of these facts, on 6.4.2025 a provisional seniority list of the Assistant Teacher Cadre was published as per the order passed in Writ Petition No.3133/2015 and the name of the petitioner was found at Sr. No.1 in the said provisional seniority list. It is stated that the respondents without considering the objection and without granting any opportunity of

hearing to the petitioner passed order on 9.6.2025 thereby reverting the petitioner to the post of Assistant Teacher from the post of Principal. It is this order which is challenged in the present petition on various grounds amongst others.

7. We have heard Mr. R.V. Shiralkar, learned counsel for the petitioner. He submits that admittedly the order of reverting the petitioner has been passed in blatant violation of the principles of natural justice inasmuch as no notice was given to the petitioner before passing such an order nor she was heard before the same. It is, therefore, his submission that the order is liable to be quashed on this ground alone.

8. On merits, he submits that even the order of promoting the petitioner as a Principal dated 6.9.2022 makes a reference to the order of this Court passed in Writ Petition No.3822/2010 in which the co-ordinate Bench held that the seniority of the Teachers like the petitioner, who served earlier in the Zilla Parishad Schools have to be counted from the date they were appointed. While holding so the co-ordinate Bench relied on earlier judgment of this Court in *Chhaya Pandurang Thate and others Vs. Pune Municipal Corporation*. It is, therefore, the submission of the learned counsel for the petitioner that the said order is infirm and cannot be countenanced. To buttress his contention, he points us out that the

said seniority list is prepared by the respondent Municipal Corporation in pursuance to the order passed in Writ Petition No.3133/2015.

9. Per contra, Mr. A.P. Kalmegh, learned counsel appearing for the Municipal Corporation fairly admits that the no notice was given while passing the impugned order. He, however, submits that the order of promotion was subject to the result of the Writ Petition which is clear enough from conditions mentioned in the said order dated 6.9.2022. He further submits that recently the Hon'ble Supreme Court of India vide judgment dated 1.9.2025 passed in Civil Appeal No.1385/2025 held that for promotion it is necessary to qualify the Teachers Eligibility Test (TET). He, therefore, supports the impugned order and submits that even though the charge was given to the petitioner, that was only by way of a temporary measure and cannot clothe the petitioner with any right much so less a vested one.

10. Having considered the contentions canvassed by the learned counsel for the parties, we are of the opinion that the order is inviting civil consequences inasmuch as it is a order of reversion/demotion. Admittedly, neither notice nor hearing was given to the petitioner and, therefore, the order cannot be sustained on the scrutiny of law. Even on merits, as can be seen from the record the

seniority list dated 12.3.2025 which is a combined seniority list of the employees working erstwhile in Zilla Parishad school and who have been absorbed in the school run by the Municipal Corporation due to the enlargement of the area shows the name of the petitioner at Sr.No.1. It is pertinent to note that this list is prepared in pursuance to the order of this Court in Writ Petition No.3133/2015 passed on 12.2.2025. Thus, the said list having showing the name of the petitioner No.1 is decisive in the matter which fact is not even disputed by the counsel for the respondent. Even though the learned counsel for the respondent points out that this is a provisional seniority list, nothing has been brought on record to show that in fact a final seniority list is published.

11. In that view of the matter, the order demoting the petitioner cannot be countenanced. We, therefore, accordingly set aside the order of reversion dated 9.6.2025 and confirm the seniority list prepared by the Municipal Corporation on 12.3.2025.

12. The petition is allowed in above terms.

13. The order dated 9.6.2025, passed by the respondent No.1 is set aside.

14. The petitioner is restored back to the post of Principal with all consequential benefits including difference of arrears of salary.

15. Rule made absolute. No order as to costs.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)

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