

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 966 OF 2015

GAJANAN BHAGWANRAO DHAGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for Petitioner : Mr. S. R. Choukidar
AGP for Respondent Nos. 1 to 2 : Mr. D. B. Bhange
Advocate for respondent Nos. 3 and 4 : Mr. V. S. Panpatte
.....

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 16th JUNE, 2015

PER COURT :

1. It is submitted that now the petitioner is being paid salary after the orders are passed by this Court. As such, the grievance with regard to salary would not survive. The contention of Mr. Choukidar, the learned counsel for the petitioner, is that the services of the petitioner cannot be declared as surplus. The order dated 11.09.2014 passed by the Head Master is erroneous. According to the learned counsel, the Government Resolution dated 23.10.2013 cannot be acted upon. The said G.R. is also subjudiced before the Principal Seat at Bombay. The same is also assailed in the present writ petition.

2. Mr. Panpatte, the learned counsel for respondent nos. 3 and 4 submits that as per the staffing pattern, the Head Master has taken decision and communicated it to the Education Officer.

3. We have heard the learned AGP who submits that in view of the Government Resolution dated 23.10.2013, the post of the petitioner is not admissible.

4. We have considered the submissions canvassed by the learned counsel for the respective parties. The petitioner is appointed as a Laboratory Attendant vide appointment order dated 01.08.2013. On the said date, the Government Resolution dated 23.10.2013 naturally was not in operation.

5. The Government Resolution dated 23.10.2013 is also a subject matter of challenge before the Principal Seat at Bombay in writ petition No. 4716 of 2014 and also writ petition No. 6156 of 2014 and in the said writ petitions this Court has directed the parties to maintain *status quo*.

6. Considering the above, we pass the following order:

ORDER

- I. The respondents shall take decision with regard to the post on which the petitioner is working as to whether the same is admissible or not considering all relevant Government Resolutions, the provisions of the Secondary School Code so also the orders passed by this Court at Bombay and thereafter, decide upon the same afresh.
- II. Till the time said decision is taken, the services of the petitioner shall be continued with respondent institution and the salary be paid regularly.
- III. The writ petition accordingly stands disposed of. No costs. All contentions of the respective parties are kept open.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/-