

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.8300 OF 2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.Sachin Deshmukh, advocate holding for
Mr.M.U.Shelke, advocate for the petitioner.
Mr.A.S.Shinde, Asstt.Govt.Pleader for the State.
Mr.D.B.Pawar, advocate for Respondent Nos.3 and 4.

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**

Date : 07.01.2015.

PER COURT :

1. Heard.
2. Mr.Deshmukh, learned counsel for the petitioner states that the petitioner is working at Wangi, as Headmistress. The petitioner vide the impugned order is transferred 60 Km. away at Washi. Learned counsel submits that the Government Resolution dated 13.12.2013 has not been implemented in proper manner. It is only on the count that the strength of students has gone down below 150, the authorities have arrived at the conclusion to abolish the post of Head Teacher, pursuant to which the petitioner was declared surplus and was directed to be absorbed at Washi. The learned counsel submits that the authorities have misread the said

Government Resolution, pursuant to which illegal order is passed.

The students are rendered without any Head Teacher.

3. Mr.Pawar, learned counsel for the Zilla Parishad submits that as the strength has been reduced, the Government Resolution will operate and the post of Headmaster would not remain. As such the order of absorption is rightly passed.

4. Mr.Deshmukh, learned counsel submits that now strength of students have increased above 150 and as such the post of Head Teacher is admissible. Mr.Pawar, learned counsel states that the said post will have to be sanctioned and then only appointment of the said post of Head Teacher can be made.

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

a) The petitioner may join at the transferred place and whenever the post of Head Teacher at Wangi i.e. where the petitioner was working prior to the impugned order is sanctioned the petitioner shall be repatriated on the said post immediately on sanction of the said post. The Respondents shall take steps for the sanction of the post expeditiously as is admissible.

b) The Writ petition is disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..07.01.2015.
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