

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8407 OF 2014

ASHOK MANIKRAO GITE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. S.R.Chaukidar h/f Mr. H.S.Bali
AGP for Respondents: Mr. G.K.Thigle
Advocate for Respondents : Smt. Geeta Deshpande

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: July 20, 2015

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PER COURT :-

1. Mr. Chaukidar, learned counsel for the petitioner states that petitioners were working with grant in aid private institution. They were declared surplus and were absorbed with Zilla Parishad School and are working with the Zilla Parishad School however, respondent No.3 Education Officer (Primary) issued order dated 14.8.2014 directed re-absorption of the petitioner from Zilla Parishad School to the Private Primary Schools. Learned counsel submits that in fact respondents No.2 and 3 ought to have absorbed the petitioners permanently in the Zilla Parishad Schools as per present posting with the Zilla Parishad. Learned counsel submits that there is no propriety in again directing the petitioner to work with private aided institution. According to the learned counsel as petitioners are already working with Zilla Parishad, they are holding post of Assistant

Teacher since 2010/2012, petitioners are declared surplus and thereafter working with Zilla Parishad Schools, they are required to be permanently absorbed in Zilla Parishad schools.

2. Mrs. Deshpande, learned counsel for respondents No.2 and 3 submits that as per rule 26 of the MEPS Rules, the Assistant Teachers working in private grant in aid schools are first required to be absorbed in private grant in aid school and, if there is no vacancy can be absorbed in Zilla Parishad Schools. According to the learned counsel, it has been made clear that proposal is already submitted to absorb the petitioners 2 to 4 in Zilla Parishad schools. Even the proposal for petitioner no.1 is forwarded, however decision has not yet been taken by the director of Education.

3. We have heard learned AGP also.

4. Position of law as it stands vis-a-vis Rule 26 of the MEPS rules does not require any debate. However, we need not enter into said aspect as statement is made in affidavit in reply that petitioners no.2 to 4 are being considered for permanent absorption in Zilla Parishad Schools. Proposal in respect of petitioner No.1 is forwarded to the Director of

Education with regard to the absorption in Zilla Parishad School. In light of that, it would not be appropriate to disturb the petitioners till the Director of Education takes decision on its proposal forwarded by respondents No.2 and 3. Considering the above, we pass following order.

ORDER

Impugned order dated 14.8.2014 shall not be acted upon till Director of Education takes decision on the proposal forwarded by respondents No.2 and 3 in respect of petitioners for absorption in Zilla Parishad School.

2. The respondent No.3 shall also direct the Management/Head Master of the parent schools of the petitioner regarding submission of salary bills of the petitioners regularly and shall see that said Directions are complied with.

5. Writ Petition accordingly disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-