

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.8611 of 2014

940 WRIT PETITION NO. 8611 OF 2014

RAJARSHI SHRI. CHHATRAPATI SHAHU SHIKSHAN PRASARAK
MANDAL, AHMEDNAGAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr.Kshirsagar Gajanan K.
AGP for Respondent State:Mr.N.B.Patil
Mr. Shelke Shivaji T., Adv., for R/5.

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CORAM : S.S. SHINDE & P.R. BORA, JJ.

Dated: April 18, 2015

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PER COURT :-

1. Heard.

2. We do not see any substance in the petition. The contention of the Counsel for the petitioner is that clause no.4 in the Government Resolution dated 13th December, 2013, issued by the School Education and Sports Department, Mantralaya, Mumbai, stipulating the condition that, unless surplus teachers are absorbed, no additional posts of teaching and non teaching staff would be sanctioned, is arbitrary as, until the posts are sanctioned, the surplus teachers cannot be absorbed. It is further submitted that respondent no.5, without considering the strength of the students available as on 30th September, 2013, considered the the proposal of the respondent.

AGP/-

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3. So far challenge to the Government Resolution is concerned, we do not see any reason to interfere in the said Government Resolution inasmuch as it is within the domain of the Legislature to specify that unless the surplus teachers are absorbed, no posts can be sanctioned. We do not see any reason to interfere.

So far as submission of the Counsel for the petitioner that respondent no.5 has not considered the strength of the students in the institution as on the date, is devoid of any merits in the light of the reply filed by respondent no.5.

4. Upon perusal of the material placed on record, it appears that respondent no.5 has taken decision on the basis of on-line information submitted by the petitioner. In case the petitioner has some grievance about non consideration of present strength of the students, the petitioner is always at liberty to make representation in that respect. We do not express any opinion on the merits of the case.

In the light of the above, the petition sans merit, and stands rejected.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

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AGP/-