

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

WRIT PETITION NO. 28 OF 2015

Pundlik Gangadhar Bhosale and Others .. Petitioners

Versus

The State of Maharashtra and Others .. Respondents

Shri V. G. Salgare, Advocate for Petitioners.

Shri S. S. Tope, A. G. P. for Respondent Nos. 2 and 3.

Respondent Nos. 4 and 5 served.

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

DATE : 11TH AUGUST, 2015.

PER COURT :

1. Though Respondent Nos. 4 and 5 are served, no affidavit is filed by Respondent Nos. 4 and 5. Mr. Salgare, the learned counsel states that, petitioners were declared surplus and they are temporarily absorbed with the school run by Respondent No. 4. According to the learned counsel, there is a provision under Maharashtra Zilla Parishad District Services Recruitment Rules, 1967, to absorb such persons permanently with the Zilla Parishad. The learned counsel states that, even

proposal is submitted by the Respondent No. 4 with the Government to absorb persons like petitioners permanently.

2. The learned A. G. P. states that, as per Rule, 26 of the M.E.P.S. Rules, the surplus employees of a private aided school are required to be absorbed in another private aided school and only if, there is no vacancy then only can be absorbed with the Zill Parishad schools.

3. As proposal is already submitted by the Respondent No. 4 with the Government, we are not considering the said aspect of the matter. Presently, petitioners are temporarily absorbed with the Zilla Parishad school. Till, the Government decides the proposal (**Exh. G**) submitted by the Respondent No. 4, regarding permanent absorption of such employees like petitioners, the petitioners shall be continued in the said Zilla Parishad school of Respondent Nos. 4 and 5 and depending upon the decision taken by the Government on the said proposal (**Exh. G**), further steps be taken. Writ petition is accordingly disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]