

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (St.) No. 4490 OF 2015

Maruti Shamrao Jadhav & Ors. ... Petitioners

vs.

The State of Maharashtra & Ors. ... Respondents

Mr. Uday Warunjikar i/b. Mr. Tanaji Mhatugade, Advocate for the petitioners.

Mr. C.P. Yadav, AGP for respondent nos. 1 to 5.

Mr. S.R. Nargolkar, Advocate for respondent nos. 6 and 7.

**CORAM : SMT. VASANTI A. NAIK &
C.V. BHADANG, JJ.**

DATE : 25th February, 2015.

P.C.

By this Petition, the petitioners have impugned the orders absorbing the petitioners, who have been declared surplus, to the other schools.

The learned counsel for the respondent nos. 6 and 7 raises a preliminary objection to the tenability of the Writ Petition. It is stated that the petitioners have not availed the remedy of approaching the Divisional Commissioner as per Clause 10 of the Government Resolution dated 12th /18th May, 2011. It is stated that the petitioners ought to have filed appeals before the Divisional Commissioner, if they were aggrieved by their absorption/transfer in the other schools.

The learned counsel for the petitioners states that the petitioners have filed the representations/Appeals before the Divisional Commissioner and the petitioners were required to approach this Court, as the Divisional Commissioner has not decided the representations.

If that be so, we dispose of the Writ Petition with a direction to the Divisional Commissioner to decide the representations/Appeals filed by the petitioners before the Divisional Commissioner as early as possible and positively within a period of four weeks. In case, some of the petitioners have not yet made the representation, they may make the same within a period of three weeks and the Divisional Commissioner should decide it within a period of four weeks from the date of receipt of the same. The points raised in the Writ Petition are kept open. No costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)