

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1017 OF 2015

(Semana Vidya Va Vanavikas Prashikshan Mandal & another Vs. State of Maharashtra & others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N. D. Khamborkar, Advocate for the petitioners.
Shri A. M. Deshpande, A.G.P. for the respondents.

**CORAM : B. P. DHARMADHIKARI
& S. B. SHUKRE, JJ.**

DATED : 18 MARCH, 2015

The petitioner before this Court represented subsequent management, Mata Santoshi Ashram School. Grievance of Shri Khamborkar is that, sanctioned strength with the petitioner-School is 7 only and 7 employees have already been absorbed and accommodated. Now, the department has forwarded Ku. Varsha Rajaram Dahake as 8th employee. As the salary bills are now processed on-line, the petitioners will not be in a position to submit the salary bills at all as number of employees are in excess of sanctioned strength.

Learned A.G.P. has invited our attention to the fact that the matter is listed today for the first time and he has, therefore, no instructions about the factual dispute. He, however, invited our attention to the orders passed by this Court in Writ Petition No. 5268 of 2013 on 09/4/2014 and on 30/7/2014. He submits that accordingly the

employee Ku. Varsha Dahake is forwarded to the petitioners.

The fact shows that Ku. Varsha Dahake approached this Court making grievance about her non absorption and because of orders of this Court dated 30/7/2014, the petitioners have to absorb her. The candidate is forwarded by respondent No.3-Project Officer and as such the petitioners cannot be prejudiced in the matter at all.

Respondents No.3 and 4 are aware of sanctioned strength of the employees and if any surplus employee has been forwarded for absorption, they are also aware that such an employee may be in excess and beyond sanctioned strength. Thus, they can not use absorption of such an extra employee by the petitioners to deny payment of salary to other employees within sanctioned strength.

As such, we do not find any cause of action presently in favour of the petitioners.

Hence, with liberty to approach this Court again if any cause of action arises and keeping all the rival contentions open, we dispose of this writ petition with no order as to costs.