

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

WRIT PETITION NO. 2204 of 2014

(Maharashtra Rajya Prathamik Shikshak Samitee, District Branch, Yavatmal
 through its President and anr. Vs. The State of Mah. Dept. of School Education
 and ors.)

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

Court's or Judge's order

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 Shri P. B. Patil, Advocate for petitioners
 Shri Mahesh Mourya, Advocate for respondent nos. 4 and 5
 Shri C. N. Adgokar, AGP for respondent nos. 1 to 3

CORAM : **B.P.DHARMADHIKARI &**
A.P.BHANGALE, JJ.

DATE : **FEBRUARY 9, 2015.**

Heard learned counsel for respective parties.

Grievance of petitioners is that posts of Head Masters are rendered surplus and there is no scheme for absorption of such Head Masters. This Court has protected their employment by granting status quo.

Learned Advocate Shri Mourya submits that the Right of Children to Free and Compulsory Education Act, 2009 came into force and student teacher ratio has been worked out accordingly, therefore, employers have no posts to absorb and hence some of them were asked to work as Assistant Teachers. There is no decision

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about fate of such surplus Head Masters. He also states that Zilla Parishad has never issued termination order to such Head Masters.

Learned AGP has relied on the reply of respondent no. 3. However, without instructions, he is not in a position to specify period within which the policy decision about surplus Head Masters shall be taken.

It is apparent that though the number of surplus Head Masters may have been worked out after coming into force of 2009 Act, they cannot be pushed out of employment suddenly. Zilla Parishad has, therefore, rightly not issued termination order.

In petition, there is a prayer to evolve policy for absorption of such surplus Head Masters. We direct respondent nos. 1 and 2 to evolve a suitable policy for treatment of such surplus Head Masters and to provide them work or to absorb them. This policy be formulated within six months from today.

Till the policy decision is so taken, the respondent nos. 4 and 5 shall not order termination of services of petitioners.

The petitioners shall provisionally work as an Assistant Teachers or against other available

vacancies so that the public funds spent on their salary is not lost to the State. However, such working shall not prejudice their rights or entitlement for absorption as Head Masters.

With these directions and keeping all rival contentions open, we disposed of the writ petition with no order as to costs.

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