

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

WRIT PETITION NO.3255/2011

Ansar Ahmed Khan s/o Sabir Khan and others

...Versus...

The State of Maharashtra, through its Secretary, Department of School
Education, Mantralaya, Mumbai-32 and others

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

Court's or Judge's orders

Shri R.J. Mirza, Advocate for petitioners
Mrs. K.R. Deshpande, AGP for respondent nos.1 to 4

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : 07.12.2015

By this petition, the petitioners challenge the orders of the Education Authorities absorbing the petitioners in the Zilla Parishad schools in other Districts. The petitioners also seek a direction to the respondents to absorb the petitioners in any private school in Akola District.

Shri Mirza, the learned Counsel for the petitioners submitted that after the petitioners were declared surplus, the respondents illegally absorbed the petitioners in the Municipal Council schools in Umarkhed, District Yavatmal, though the petitioners were working in the private schools in Akola District. It is stated on behalf of the petitioners that the petitioners could not have been transferred from the private schools to the schools run by the local authorities. Also, it is submitted that the petitioners could not have been transferred out of Akola District.

The learned Assistant Government Pleader states, by referring to the affidavit-in-reply, that several posts of Assistant Teachers are vacant in the Zilla Parishad schools in Akola District. It is stated that the petitioners cannot be accommodated in those schools by the Education Officer without the approval from the Director of Education, Pune.

Shri Mirza, the learned Counsel for the petitioners states that if there are no vacancies in the private schools, the petitioners may be absorbed in any Zilla Parishad or Municipal Council schools in Akola District.

The request made by the learned Counsel of the petitioners is just and reasonable. Since there are vacancies in the Zilla Parishad schools in Akola District, without going into the questions raised in the petition we dispose of the writ petition with a direction to the respondent no.4 to absorb the petitioners in the vacancies in the Zilla Parishad or Municipal Council schools in Akola District only. The orders of absorbing the petitioners should be passed within a period of three weeks.

Order accordingly. No order as to costs.

Steno copy of this order is granted.

JUDGE

JUDGE

Wadkar