

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.9394 OF 2015**Mohammad Abdul Raheman S/o Mohammad Abdul Habib Vs. The State of Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.R.Choukidar, advocate for the Petitioner.
Mr.B.V.Virdhe, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 06.10.2016.

PER COURT :

1. Heard.
2. Mr.Choukidar, learned counsel submits that the petitioner is declared surplus. The School where the petitioner was working was a minority institution School and the same is closed down in the year 2011, however, the order declaring surplus was passed in the year 2016. The petitioner was directed to be absorbed in another minority School which has refused to accommodate the petitioner. Learned counsel states that even as per Government Resolution dated 13.7.2016, the petitioner is required to be absorbed in Zilla Parishad Schools. The petitioner is without salary since the year 2011 and facing starvation.

3. Learned A.G.P. states that the order absorbing petitioner was passed. The School where the petitioner is directed to be absorbed, ought to absorb the petitioner.

4. On account of closure of the School if any teacher is rendered surplus then the said teacher stands terminated, however, is entitled for absorption in case the closure is not on account of the fault of the said teacher.

5. The fact that petitioner is declared surplus in the year 2016 is testimony of the fact that the petitioner is not responsible for closure of the School.

6. Even as per the Government Resolution dated 13.7.2016, the surplus teacher of a minority institution is required to be absorbed in a School run by the Local Body.

7. In light of the above, the Respondent Nos.2 and 3 shall place the petitioner in the list of surplus candidates to be absorbed with Zilla Parishad Schools and the absorption of the petitioner shall be done as per seniority as early as possible. However, the petitioner would not be entitled for the salary from the date of the closure of the School till his absorption.

8. The Writ Petition is disposed of. No costs.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.06.10.2016.

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