

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

WRIT PETITION NO. 209/2015.

Jagdish Ramdas Nagre

-VERSUS-

Education Officer (Secondary), Zilla Parishad, Wardha and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : **B.P. DHARMADHIKARI**
& P.N. DESHMUKH, JJ.

DATE : **MARCH 23, 2016.**

Heard Shri N.D. Khamborkar, learned
Counsel for the petitioner and Shri B.M. Lonare,
learned A.G.P. for respondent no.1.

2. Petitioner, though within sanctioned
strength when he joined the employment was rendered
surplus in next academic year.

3. Effort of learned counsel for petitioner is to
urge that the norms on the basis of which staff
justification for the academic year 2013-14 has been
undertaken, has been withdrawn. He further states
that staff determination is being undertaken afresh.

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4. He also points out that in the meanwhile petitioner has completed three years of service as Shikshan Sevak.

5. Learned A.G.P. appearing on behalf of respondent no.1 points out reply affidavit. According to him in 2013-14 itself management ought to have discontinued the petitioner.

6. It is not in dispute that the provisions regarding absorption of surplus employees are not applicable, if the teacher is not permanent. However, the contention of learned counsel for the petitioner noted supra, show an effort to bring on record some subsequent events.

7. Change in norms or withdrawal of staff justification is not demonstrated by producing any material on record.

8. In this situation, we are not inclined to interfere in writ jurisdiction. However, we grant petitioner liberty to point out these facts to respondent no.1 by making suitable representation within a period of four weeks from today. If such representation is made, the same shall be looked into in accordance with law, within a period of next four weeks by the

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respondent no.1.

9. With this direction and liberty, we dispose of the Writ Petition. No costs.

10. At this stage, it has come to notice of this Court that the Registry has not pointed out that the Government has not supplied second set of the reply. Registrar (Judicial) to verify and report.

JUDGE

JUDGE

Rgd.