

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

WRIT PETITION NO.1020 OF 2015

Vijay S/o Namdevrao Uge

..vs..

**State of Maharashtra, Department of Education, Through its Principal Secretary,
Mantralaya, Mumbai-32 and ors**

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

Court's or Judge's

**Mrs. U.A. Patil, counsel for the petitioner.
Shri A.S. Fulzele, AGP for R-1 & 3.**

**CORAM : B.P. DHARMADHIKARI &
KUM. I.K. JAIN, JJ.**

DATED : JUNE 20, 2016.

Heard learned counsel for the respective
parties.

The petitioner Librarian, found surplus in
the Academic Year 2014-15, was asked to report to
respondent No.5-School by impugned order dated
5.12.2014. The writ petition has been filed before this
Court challenging that order on the ground that the
petitioner has been wrongly declared as surplus. This
Court has, on 9.3.2015 while issuing notice in the
matter, granted *ad interim* relief. With this reason, the
petitioner continues to work to respondent

.....2/-

No.4-School.

Learned counsel Mrs. U.A. Patil for the petitioner has, today, produced before this Court staff justification for the Year 2015-16. According to her, when as on 30.9.2015 in aided school of respondent No.4 a post of Librarian on full time basis is available, the petitioner who is the only Librarian needs to be continued with respondent No.4-School only.

Learned Assistant Government Pleader Shri A.S. Fulzele for respondent Nos.1 and 3 is relying upon affidavit-in-reply. He further states that the documents, produced today, are not within his knowledge.

The documents produced by the petitioner are taken on record as "Exh.X". These documents, *prima facie*, demonstrate that a full time post of Librarian is available as on 30.9.2015 with respondent No.4-School.

In this situation, we permit the petitioner to continue with respondent No.4-School only. Respondent No.3-Education Officer shall look into all relevant facts and take suitable decision upon the status of the petitioner, within a period of eight weeks. If necessary, an opportunity of hearing shall be extended to the petitioner. Till such decision is taken, the

.....3/-

petitioner shall continue to work with respondent No.4-School.

The writ petition is thus partly allowed and disposed of. No costs.

JUDGE

JUDGE

!! BRW !!

...../-