

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

WRIT PETITION NO.930 OF 2016

DATTATRAY ATMARAM AGALE, WASHIM AND ANR

V/S

EDUCATION OFFICER (SECONDARY), AKOLA ZILLA PARISHAD, AKOLA AND ORS

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

Court's or Judge's Orders.

Mr.N.B. Rathod, counsel for the petitioners.
Mr.N.R. Patil, AGP for the R-1 to 3.

CORAM : SMT. VASANTI A. NAIK &
V. M. DESHPANDE, JJ.

DATE : APRIL 6, 2016.

By this writ petition, the petitioners seek a direction to the respondents to immediately absorb the petitioners in some schools. The petitioners also seek a direction to the respondents to release the salary of the petitioners in terms of the Government Resolutions dated 14.10.2014 and 21.10.2015.

The names of the petitioners appear to have been brought on the waiting list prepared by the respondents in terms of the provisions of Rule 25A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981. It is informed to this Court by the learned Assistant Government Pleader that the names of the petitioners are included in the waiting list so that the same could be recommended to the managements of the newly opened aided schools or to the aided schools that are permitted to open additional divisions or classes. It appears that the petitioner No.2 has been absorbed in some school and a statement is made by the learned Assistant Government

Pleader that the petitioner No.1 would also be absorbed as per his turn.

It would be necessary to dispose of the writ petition in view of the statement made by the learned Assistant Government Pleader. The names of the petitioners are said to have been taken on the waiting list prepared under Rule 25A of the Rules and the petitioner No.1 would be absorbed in other schools as per the provisions of Rule 25A.

The petitioners would not be entitled to salary in terms of the Government Resolutions. The salary is not payable to the teachers whose names are required to be brought on the waiting list under Rule 25A of the Rules and the Government Resolutions dated 14.10.2014 and 21.10.2015 do not provide for grant of salary to the employees of de-recognized schools. Since the petitioners were working in a school that was de-recognized, the petitioners cannot claim the salary on the basis of the Government Resolutions.

With the aforesaid observations, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

!! BRW !!