

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

WRIT PETITION NO. 1510 OF 2016

Shri Samarth Education Society Dandegaon, Dist. Gondia, thr.its Secretary

-vs-

The State of Maharashtra, thr.its Secretary, Education Deptt.and others

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

Court's or Judge's Orders.

Mr.N.A.Jachak, counsel for the petitioner.
Mr.A.R.Kulkarni, AGP for the respondent Nos.1 to 3.

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

DATE : 11.04.2016.

By this writ petition, the petitioner seeks a direction to the respondent-Education Officer (Secondary), Zilla Parishad, Gondia to grant permission to the petitioner-Society to fill the posts in the subject of Science (Biology) in the three schools runs by the petitioner-Society immediately.

Mrs. Kulkarni, the learned Assistant Government Pleasder appearing on behalf of the respondents, states that the validity of the provisions of the Right to Education Act and the resolutions issued by the State Government, dated 13/12/2013 and 26/08/2015 are upheld by the Division Bench at the Principal Seat by the judgment, dated 15/12/2015 in Writ Petition No.9026 of 2014. It is stated that the services of the surplus permanent teachers are protected and they are liable to be absorbed or accommodated elsewhere. It is stated that the State of Maharashtra would be implementing the directions issued by the judgment, dated 15/12/2015 in the aforesaid writ petition. It is stated that the staff approval in respect of the petitioner's schools for the relevant year would be made as per the provisions of the Right to Education Act and the Government resolutions and circulars issued

from time to time. It is stated that the State Government is preparing a list of teachers that would be declared surplus. It is stated that the exercise in accordance with the directions issued by the judgment, dated 15/12/2015 would be completed as early as possible.

We find on a reading of the judgment, dated 15/12/2015 that almost all the challenges raised by the petitioner therein had been rejected by the Division Bench at the Principal Seat and certain directions are issued against the State Government. It would now be necessary for the State Government to consider whether the surplus teachers could be accommodated in the schools where there are vacancies, as the State Government is made liable to provide the financial benefits to the permanent teachers till they are absorbed or accommodated in some other schools. As stated on behalf of the respondents, the staff justification in respect of the staff working in the three schools of the petitioner would also be required to be completed. In this background, the relief sought by the petitioner cannot be granted.

By accepting the statement made by the learned Assistant Government Pleader, we dispose of the writ petition by directing the respondents to consider the staff approval in the schools of the petitioner-Society as early as possible and positively within a period of three months and pass appropriate orders for absorption of the excess teachers in the schools run by the petitioner and/or to permit the petitioner to appoint the teachers as per the staff approval.

With these observations, the writ petition is disposed of with no order as to costs.

JUDGE

JUDGE