

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

WRIT PETITION NO.1217 OF 2015

[Smt. Neeta w/o Sanjay Shelke .vs. The Education Officer (Secondary), Zilla Parishad, Nagpur and others]

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

Court's or Judge's orders

Shri P.D. Meghe, Advocate for the petitioner,
 Ms. P.D. Rane, A.G.P. for respondent nos.1 and 2,
 Shri N.D. Khamborkar, Advocate for respondent nos.3 and 4.

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CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : MARCH 08, 2016.

Heard for sometime.

It appears from argument of parties that on earlier occasion (previous bench of this court) directed Education Officer to find out the correct position about the need of respondent nos.3 and 4.

Accordingly, today the learned Assistant Government Pleader has produced communication dated 4.3.2016 which mentions that two posts, which can be occupied by a trained B.A. B.Ed. Teachers, are lying vacant on the establishment of respondent nos.3 and 4.

According to Advocate Meghe and learned Assistant Government Pleader, posts have become vacant because of retirement of the teachers, who were holding similar qualifications.

According to Advocate Khamborkar, who appears for respondent nos.3 and 4, respondent nos.3 and 4 need teachers who can teach Mathematics and English. The communication dated 4.3.2016 points out that for teaching Mathematics, one Supervisor and one Assistant Teacher are available with

respondent nos.3 and 4.

It is obvious that if persons, who were holding similar qualifications, as that of the petitioner, are retired, the vacancies also should have been from same category. If management has made some internal changes and has allotted subjects to some other teachers, the Education Officer can look into it. However, as of today, total three vacancies are available with the respondent nos.3 and 4.

We, in this situation, direct the petitioner, as also respondent nos.3 and 4, to appear before respondent no.1- Education Officer on **21.3.2016**. After hearing them and after perusal of relevant records, respondent no.1 shall take suitable decision on the need of respondent nos.3 and 4 and, thereafter, pass appropriate orders about absorption of the petitioner. Till then, respondent nos.3 and 4 shall not fill in any vacancy.

With these directions and keeping all rival contentions open, we dispose of the writ petition. No costs.

JUDGE

JUDGE