

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.5275/2016

(Pradnya s/o Sahebrao Ambildige vs. The State of Maharashtra and others)

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

Court's or Judge's order

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Mr. H.R.Gadhia, Advocate for the petitioner
Mr.Nikhil Joshi, Assistant Government Pleader for Respondent nos.1 & 2
Mr.Malokar, Advocate for Respondent no.3

**CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.**

DATED : 15th December, 2016.

Heard.

By this Writ Petition, the petitioner seeks a direction against the Chief Executive Officer, Zilla Parishad, Akola, to include the name of the petitioner in the list of surplus teachers for his absorption in some other School. The petitioner has also sought the salary from December 2013 to May 2015, on the ground that it is paid to some other teachers in the School.

It is stated on behalf of the petitioner that in almost identical set of facts, this Court has partly allowed Writ Petition No. 50/2016 by the order dated 12.8.2016 by directing the Education Officer (Primary), Zilla Parishad, to include the name of the petitioners therein in the list of surplus teachers, so that they could be absorbed in some other Schools. It is stated that a similar order could be passed in this Writ Petition also. It is further stated that since the other teachers were paid, the salary for the period from December, 2013 to May, 2015, the petitioner would also be entitled for the salary for the said

period.

We are inclined to grant the prayer made by the petitioner for a direction against the Zilla Parishad, to include the name of the petitioner in the list of surplus teachers for his absorption in some other school. The prayer made by the petitioner for a direction against the respondents for payment of arrears of salary from December, 2013 to May, 2015 cannot be granted in this Writ Petition. The claim of the petitioner is seriously disputed. Also, the School is closed down in March 2014 and the petitioner may not be entitled to the salary for the period from March 2014 as the teachers are held to be partially responsible for the closure of the school. The petitioner is however free to agitate this issue before an appropriate forum.

In the circumstances of the case, we dispose of the Writ Petition with a direction against the Education Officer (Primary) Zilla Parishad, Akola to place the name of the petitioner in the list of surplus teachers for his absorption in some other school. The exercise of absorbing the petitioner as per his position in the seniority list should be undertaken as early as possible.

Order accordingly. No costs.

JUDGE

JUDGE

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