

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3274/2016

(SURESH RAMCHANDRA VAIDYA & OTHERS **VERSUS** C.E.O., Z.P. YAVATMAL & ANOTHER)

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

Court's or Judge's orders

Shri P.S. Kshirsagar, counsel for the petitioners.
 Shri R.D. Bhuibhar, counsel for the respondents.

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

DATE : JULY 01, 2016.

By this writ petition, the petitioners seek a direction against the Chief Executive Officer, Zilla Parishad, Yavatmal to take a decision in the matter of transfer-absorption of the petitioners in some other Zilla Parishad school.

According to the petitioners, as per the old policy of the State Government, only one post of Headmaster was admissible for a strength of 150 students in the school. It is stated that by the revised norms, the strength of students is brought down to 100. It is the case of the petitioners that in the schools in which they are working as Headmasters, the strength of the students is more than 100 and, therefore, they cannot be transferred-absorbed in any other Zilla Parishad School.

Shri Bhuibhar, the learned counsel for the respondents, states that as per the new staffing pattern and as per the guidelines under the Right To Free and Compulsory Education Act and the Government Resolution dated 08.01.2016, a post of Headmaster is not sanctioned in the schools in which the petitioners are working. It is stated that as per the revised norms, the petitioners would be entitled to seek their retention in some other schools. It is stated that the petitioners are being transferred-absorbed in some other Zilla Parishad schools where the post of Headmaster is sanctioned. It is stated that the petitioners should

not be aggrieved by the action of the respondents as neither is their pay-scale reduced nor are they reverted to the post of Assistant Teacher in view of the declaration of their services as Headmasters as surplus. It is lastly stated that there is no admissible post of Headmaster in the schools in which the petitioners are working and the respondents would not transfer-absorb any other Headmaster in the posts that would become vacant due to the absorption of the petitioners in some other school, in the year 2016-17.

It is clear from the statements made on behalf of the respondents that the petitioners are being transferred-absorbed in some other schools as there is no post of Headmaster in the schools in which they are teaching. If a post of Headmaster is not admissible in the schools in which the petitioners are teaching and if a statement is made on behalf of the respondents that after the petitioners are relieved from the said schools, no other teachers would be brought in those schools as Headmaster in the year 2016-17, the petitioners should not have a grievance. As submitted on behalf of the respondents, neither is the pay-scale of the petitioners reduced nor are they being reduced in rank and, hence, the petitioners challenge has no merit.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE