

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

WRIT PETITION NO.4340/2014

Shri Ashok B. Vaidya and others

...Versus...

The Zilla Parishad, Chandrapur, through its Chief Executive Officer 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 A.S. Kilor, Advocate for petitioners
Shri N.W. Almelkar, Advocate for respondent nos.1 and 2
Shri S.M. Ukey, A.G.P. for respondent nos.3 and 4

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

DATE : 17.03.2016

Heard.

The issue involved in this case was also involved in Writ Petition No.9026/2014 in the case of Sindhudurg Zilla Shikshan Sanstha Chalak Mandal, Pandur, Tal. Kudal, Distt. Sindhudurg, through its Chairman/Secretary...Versus...The Union of India, Ministry of Human Resources Development, Government of India, New Delhi, through its Chief Secretary and others and the connected writ petitions and the Division Bench at the Principal Seat of the Bombay High Court has by the judgment dated 15.12.2015 upheld the constitutional validity of the schedule to the Right to Education Act. The challenge made by the petitioners therein to the Circulars/Government Resolutions

that are challenged in the instant petition was rejected and the Court had held that no interference is possible in the matter of policy of the State Government. However, certain directions were issued to the State Government by the said judgment and it is stated on behalf of the petitioners that this writ petition could be disposed of by issuing directions in the similar lines.

Hence, for the reasons recorded in the judgment dated 15.12.2015 in the bunch of writ petitions bearing Writ Petition No.9026/2014, we dispose of the writ petition with a direction to the State Government to protect the services of the surplus permanent teachers and provide them all the financial benefits till they are continued in the same School or till they are accommodated or absorbed elsewhere or declared surplus. The State Government would be required to pay the salary of the Headmasters though they are required to work only as senior teachers in the School, in view of the provisions of the Right to Education Act.

Order accordingly. No costs.

JUDGE

JUDGE

Wadkar