

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

WRIT PETITION NO. 5260 OF 2016

Gajanan Haribhau Doifode

-vs-

State of Maharashtra, Deptt.of Education 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.S.U.Bhuyar, counsel for the petitioner.
Mrs.G.Tiwari, AGP for the respondent Nos.1 to 3.

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

DATE : 14.12.2016.

By this writ petition, the petitioner seeks a direction against the respondent-Education Officer to decide the issue whether the petitioner should be declared as surplus or not.

Shri Bhuyar, the learned counsel for the petitioner, submits that though an order declaring the petitioner as surplus is not yet passed, the petitioner apprehends that the petitioner would be declared as surplus in the school in which the petitioner is working and would be absorbed in some other school, as the name of the petitioner appears in the list of teachers that could be absorbed after declaring them as surplus. It is stated that though the petitioner has raised an objection to the inclusion of the name of the petitioner in the list, the same is not yet decided.

We are not inclined to entertain the writ petition at this stage. The petition is premature. No order declaring the petitioner as surplus is passed against the petitioner. A mere apprehension in the mind of a party cannot be enough for filing the writ petition. If the petitioner is declared surplus by an order of the respondent-Education Officer, the petitioner is free to take appropriate steps, if so advised.

In the result, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE