

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

WRIT PETITION NO. 50 OF 2016

Dharmraj Dinkar Lahole and another

-vs-

State of Maharashtra, thr.its Secretary, Ministry of Sports and 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. R.D.Karode, counsel for the petitioners.
Mr. V.P.Gangane, AGP for the respondent Nos.1 & 7.
Mr. K. S. Malokar, counsel for the respondent Nos.2 and 3.
Mr. A.R.Deshpande, counsel for the respondent No.4.

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

DATE : 12.08.2016.

By this writ petition, the petitioners seek a direction against the Chief Executive Officer, Zilla Parishad, Akola to include the names of the petitioners in the list of surplus teachers for their absorption in some other schools of the Zilla Parishad.

It is stated on behalf of the petitioners that the school in which the petitioners were working was closed down due to the lack of students. It is stated that the petitioners were not solely responsible for the closure of the school and it is therefore, necessary for the Zilla Parishad to include the names of the petitioners in the list of surplus teachers so that they could be absorbed in some other schools.

Shri K. S. Malokar, the learned counsel for the Zilla Parishad, Akola, fairly states that in almost a similar set of facts, this Court had allowed Writ Petition No.52 of 2016 (Godavari Vasudeo Khandare and others v. The State of Maharashtra and others) in which a school was de-recognized and the Education Officer was directed to place the names of the petitioners in the said writ petition in a list, for absorption in some other schools. It is stated that an appropriate order may be passed in this case also.

On hearing the learned counsel for the parties, we find that a direction to the Chief Executive Officer, Zilla Parishad, Akola to include the names of the petitioners in the list of surplus teachers would be necessary, as the petitioners are not wholly responsible for the lack of students in the school, in which they were working and which is closed. Since the Management seems to be mainly responsible for the closure of the school, it would be necessary to direct the Chief Executive Officer of the Zilla Parishad to include the names of the petitioners in the list of surplus teachers so that they could be absorbed in some other private schools.

Since the school is not closed due to the fault on the part of the petitioners, we direct the Chief Executive Officer of Zilla Parishad, Akola to include the names of the petitioners in the list of surplus teachers so that they could be absorbed in some other private schools. The aforesaid exercise should be completed by the Zilla Parishad, Akola as early as possible. The writ petition is disposed of in the aforesaid terms. No costs.

JUDGE

JUDGE

C E R T I F I C A T E

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : G.S.Khunte,
P.A.to Hon'ble Judge

Uploaded on : 12/08/2016