

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

WRIT PETITION NO. 794/2015.

Shri Satish Bhaskarrao Surkar

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

**CORAM : B.P. DHARMADHIKARI
& P.N. DESHMUKH, JJ.**

DATE : MARCH 14, 2016.

Heard Shri S.P. Bhandarkar, learned Counsel for the petitioner, Ms. Hiwase, learned A.G.P. for respondent nos. 1 to 3, Smt. S.W. Deshpande, learned Counsel for respondent nos. 4 and 5 and Shri Anand Parchure, learned Counsel for respondent no.6, for some time.

2. Respondent no.6 has been selected and appointed in 2012 itself. Petitioner in this case points out that being a graduate teacher, he is entitled to be accommodated against a vacancy available in 25% graduate quota in his school.

3. Shri Bhandarkar, learned counsel makes a

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statement that there are 2 vacancies are still available.

4. Learned A.G.P. submits that the decision in this respect is required to be taken by the Management.

5. Smt. Deshpande, learned Counsel for management points out that in petition there is no reference to such vacancies.

6. Respondent no.6 is appointed way back in the year 2012 and her appointment is duly approved. In this petition, which is filed on 04.12.2014, we are not inclined to upset her appointment.

7. However, if there are any vacancies, those vacancies in graduate quota need to be filled in keeping in mind the entitlement of graduate employees and judgment of Hon'ble Apex Court. We therefore, grant leave to petitioner to make appropriate representation pointing out such vacancies. If such representation is made within a period of two weeks, the management shall consider the same in accordance with law, within a further period of 4 weeks. Copy of such representation shall also be served on respondent no.3 Education Officer. Respondent no.3 shall also monitor said consideration.

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8. With these directions and keeping all contentions open, we dispose of the Writ Petition. No costs.

JUDGE

JUDGE

Rgd.