

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

WRIT PETITION NO.38/2015

Anil s/o Wamanrao Deshmukh

...Versus...

The Education Officer (Sec.), Zilla Parishad, Washim and others

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

Court's or Judge's orders

Ms Smita Dashputre, Adv. h/f Shri P.B. Patil, Adv. for petitioner
Ms Tajwar Khan, AGP for respondent no.1

**CORAM : SMT. VASANTI A. NAIK AND
A. S. CHANDURKAR, JJ.**

DATE : 14.01.2016

1. In view of the short issue involved, the writ petition is heard finally with the consent of the learned Counsel for the parties.

2. The petitioner has challenged the order, dated 20.10.2014 passed by the respondent no.1 by which the services of the petitioner were declared as surplus. It is also prayed that the order of approval issued to the petitioner be suitably corrected in terms of the judgment dated 3.2.2005 in Writ Petition No.3325/2002.

3. Ms Khan, the learned Assistant Government Pleader for the respondent no.1 has furnished a copy of the order of approval dated 13.1.2016 in which it has been stated that in terms of the orders passed in Writ Petition No.3325/2002 the petitioner's appointment is being approved from 18.7.2000.

4. In view of the aforesaid, the grievance of the petitioner with regard to correcting the date of approval would not survive.

5. In view of the approval now being granted to the appointment of the petitioner from 18.7.2000, it will be necessary for the Management to reconsider the aspect of the petitioner's seniority and any further steps to be taken in case there is any surplus employee. The respondent nos.2 and 3 are, therefore, directed to reconsider the aspect of any employee being rendered surplus consequent upon the revised order of approval. The said aspect shall be considered within a period of four weeks from the date the petitioner furnishes a copy of this order to the respondent nos.2 and 3. It would be open for the Education Officer to pass appropriate orders in that regard on the basis of information furnished by the respondent nos.2 and 3. Till any such decision is taken by the Education Officer, the order dated 20.10.2014 shall remain in abeyance. It is made clear that it is open for the Education Officer to pass fresh orders on the basis of information furnished by the Management.

The writ petition is disposed of in the aforesaid terms with no order as to costs.

JUDGE

JUDGE

Wadkar