

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2094 OF 2012
SUDHAKAR NIVRUTTI KATALE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for the Petitioners : Shri Suryawanshi R.R.
AGP for Respondents 1 to 3 : Shri Y.G.Gujrathi.
Advocate for Respondent 4 : Shri PR.Tandale.

...

**CORAM: RAVINDRA V. GHUGE
AND
SUNIL K. KOTWAL, JJ.**

DATE :- 07th November, 2017

Per Court :

1 The prayers put forth by the Petitioners in Clause 23-B and C
read as under:-

- "(B) *By issuing writ of mandamus or any other appropriate writ, order or directions, the respondents be directed to absorb the petitioners in any other Handicapped School or Ashram School or any other Private School as per their respective posts in Latur District or any other Department of Government of Maharashtra and for that purpose necessary directions be issued.*
- (C) *By issuing further writ of mandamus or any other appropriate writ, order or directions, the respondents be directed to pay the regular salary as well as arrears of salary of petitioners from the date of dereorganization of School i.e. from 24th August, 2007 as per their pay scale and for that purpose necessary directions be issued."*

2 The grievances voiced by the Petitioners are that their Ashram School for handicapped students has been closed down on 24.08.2007.

They have already been entered in the list of surplus teachers. They are desperately awaiting their absorption.

3 The learned AGP points out from paragraph 5 of the affidavit in reply filed by the District Social Welfare Officer, Zilla Parishad, Latur dated 27.09.2012 that the competent authorities have prepared the waiting list of retrenched/ surplus teachers pursuant to the directions of this Court in Writ Petition Nos.5744/2003, 43/2004, 8154/2009 and 134/2010. It is further stated that the names of these Petitioners are at serial numbers 51(c) to 51(h) in the special teachers cadre. The candidates, who are higher in the said list, are yet to be absorbed.

4 The learned AGP further submits that this is not an adversarial litigation to the Respondent authorities. As and when the turn of these Petitioners arrives as per the seniority list maintained by the competent authorities, the Petitioners would be absorbed.

5 Considering the above, this Writ Petition is disposed of.

6 However, we find it necessary to observe that in the event the Petitioners notice that the candidates, who are junior to the Petitioners in the said wait list, are given preference without any reasonable classification for absorption and the Petitioners are overlooked, the Petitioners can voice their grievance against the said cause of action.