

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 637 OF 2017

Aruna D/o Dinkar Dhage

Petitioner

V E R S U S

The State of Maharashtra, through
the Secretary, School Education
and Sports Department,
Mantralaya, Mumbai and four
others

Respondents

Mr. B.T. Bodkhe, Advocate for the petitioner
Mr. A.P. Basarkar, A.G.P. for the respondent
Nos.1 and 2/State
Mr. P.D. Suryawanshi, Adv. for respondent
Nos.3 to 5

CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.

DATE : 19th APRIL, 2017

PER COURT :

1. Mr.Bodkhe, learned counsel for the petitioner submits that the petitioner is working as teacher with Zilla Parishad High School, Shirur Kasar, Taluka Shirur Kasar, District Beed since the year 2015. She is entitled to be retained at the said place at-least

for three years. The transfer order is issued to the petitioner on 9th January, 2017. According to the learned counsel, on 31st May, 2017, one post would become vacant in the said School after retirement of one Mr.S.D. Sanap, and therefore, the petitioner can be considered in his place.

2. Mr.Suryawanshi, learned counsel for respondent Nos.3 to 5 submits that the petitioner is transferred on her post as she had become surplus and was required to be absorbed in other School. In case the post becomes vacant in the said School at Shirur-Kasar, the same will have to be filled in as per seniority.

3. It is an admitted position that the petitioner has not served at one place for three years. The petitioner has not completed two years in the said School i.e. Zilla Parishad High School, Shirur-Kasar. However, as the petitioner has become surplus, naturally she has to be absorbed in some other School.

4. Considering the fact that one post would become vacant on 31st May, 2017, the respondents may absorb the petitioner on the post which would become vacant on retirement of Mr.Sanap. However, the petitioner would not be entitled for the salary from the date of her transfer i.e. 9th January, 2017 till 31st May, 2017. The said period, however, shall be considered for the purpose of continuity of her service.

5. Writ Petition is disposed of in above terms.
No costs.

(SANGITRAO S. PATIL, J.)

(S.V. GANGAPURWALA, J.)