

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

WRIT PETITION NO. 1234 OF 2017

PAPABHAI DAGADUBHAI BAGWAN TRUST RAHURI,
THROUGH ITS SECRETARY — U.A.BAGWAN
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

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Mr.Hemant U. Dhage, Advocate for petitioner
Mr.S.B.Pulkundwar, AGP for respondent nos.1 to 3
and 5
Mr.D.R.Korde, Advocate for respondent no.6

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.
DATE : APRIL 07, 2017**

ORDER :

Heard.

2. The petitioner assails the communication dated 22.11.2016 issued by respondent no.5 directing the petitioner to absorb the surplus teacher.

3. The learned Counsel for the petitioner submits that the petitioner is a minority institution and as such, it cannot be compelled to absorb the surplus teacher. The learned Counsel relies on the Government Resolution dated 13.07.2016.

4. The learned AGP submits that separate list of the surplus teachers of minority institution is required to be maintained and thereafter, such teachers are to be absorbed.

5. The Government Resolution dated 13.07.2016 and more particularly, Clause 6 of the same states that if a minority institution is not willing to absorb the surplus candidate, it cannot be compelled to do so.

6. In view of the above, the impugned communication dated 22.11.2016 is quashed and set aside. The respondent/authority may take steps to absorb respondent no.6 in other institution run by local body or otherwise.

7. With these directions, the Writ Petition is disposed of. No costs.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]

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