

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

WRIT PETITIN NO.3547 OF 2016

Sayyad Saeed Nisar,
Age: 41 Yrs., occ. Present nil
R/o House No. 1424 Kingsgate,
Ahmednagar, Dist.Ahmednagar.

- PETITIONER

VERSUS

- 1) The State of Maharashtra
- 2) Deputy Director of Education,
Pune Region, Pune.
- 3) The President,
Bahujan Sikshan Sangh,
Dadasaheb Rupvate Junior College
Ahmednagar, Dist. Ahmednagar.
- 4) The Principal,
Dadasaheb Rupvate Junior College
Ahmednagar, Dist. Ahmednagar.
- 5) Shrikant s/o Tukaram Pakhre,
Age: 32 Yrs., occu. Service,
R/o Dadasaheb Rupvate Junior
College Ahmednagar,
Dist. Ahmednagar.

- RESPONDENTS

Mr.Mobin H.Shaikh, Advocate for Petitioner/s
Mr.AS Shinde,AGP for Resp.Nos. 1 & 2;
Mr.AV Hon, Adv. For Resp.Nos. 3 to 5.

**CORAM : T.V.NALAWADE &
SANGITRAO S.PATIL,JJ.**

DATE : 7th MARCH,2017.

ORAL JUDGMENT (PER:-T.V.NALAWADE,J.)

- 1) Rule. Rule made returnable forthwith. By

consent, heard for final disposal.

2) In view of the letter given by the educational institution to the Deputy Director of Education dated 18.1.2017, this Court is making the order.

3) This Court is deciding the matter because the submissions show that the appointment given to Respondent No.5 is of temporary nature and the same will not be affected if the directions are given in favour of the petitioner.

4) It appears that the petitioner was declared surplus in Respondent Nos.3 and 4 institution. After declaring the petitioner as surplus, he had joined in other institution. but for some time, he was not on duty, as the third institution, when it was directed to join, did not absorb him. The petitioner has claimed for continuation of service in respect of that period also. Such relief cannot be considered in the present matter at this stage. As now, the post is available in the parent institution, i.e. Respondent Nos. 3 and 4, this court holds that the

petitioner is entitled to return back to the parent institution for resuming the duty as per the Scheme of the Government.

5) It appears that the post will become vacant on 1.4.2017 and with effect from that date, the petitioner will be entitled to join the post.

6) In the result, and as the parent institution has informed that there will be one vacant post in the institution for absorbing the petitioner, following order is made, -

- i) The petitioner is to be allowed to be joined in the parent institution as per the letter given by the institution to the Deputy Director of Education on 18.1.2017;
- ii) The petitioner will be then entitled to make a representation to the Education Department for getting continuation of service

7) Rule is made absolute in the aforesaid terms.

(SANGITRAO S.PATIL)
JUDGE

(T.V.NALAWADE)
JUDGE

bdv/