

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

WRIT PETITION NO.7130 OF 2016

Dinesh Pundlik Pethe ..Petitioner
Vs.
The State of Maharashtra
and others ..Respondents

AND

WRIT PETITION NO.4718 OF 2016

Maruti s/o Trimbak Dhokane ..Petitioner
Vs.
The State of Maharashtra
and others ..Respondents

AND

WRIT PETITION NO.4720 OF 2016

Pravin s/o Sudhakar Shitole ..Petitioner
Vs.
The State of Maharashtra
and others ..Respondents

AND

WRIT PETITION NO.5198 OF 2016

Smt.Shubhangi Vasantrao Waghe ..Petitioner
Vs.
The State of Maharashtra
and others ..Respondents

AND

WRIT PETITION NO.4717 OF 2016

Smt.Anita Bankat Anerao ..Petitioner
Vs.
The State of Maharashtra
and others ..Respondents

AND

WRIT PETITION NO.4716 OF 2016

Mohandas Mansing Chavan ..Petitioner
Vs.

The State of Maharashtra
and others ..Respondents

AND

WRIT PETITION NO.4715 OF 2016

Bhaskar s/o Ganpati Kamble ..Petitioner
Vs.

The State of Maharashtra
and others ..Respondents

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Mr.S.S.Jadhavar, Advocate for petitioners in all
Writ Petitions

Mr.S.B.Joshi, AGP for the respondent/State in all
Writ Petitions

Mr.P.P. More, Advocate for respondent nos.2 and 3
in Writ Petition Nos.4718/2016, 4720/2016,
4717/2016, 4716/2015 and 4715/2016

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

DATE : FEBRUARY 28, 2017

PER COURT :

Heard.

2. These petitions are filed for giving
direction to the respondent – Zilla Parishad to
see that when occasion arises, the petitioners are

again posted at the place which was given to them on 28.08.2014.

3. The petitioners were declared as surplus teachers in the previous school and by order dated 28.08.2014, they were posted in the schools where posts were apparently available. Subsequently, when the mistake was realised, the places of posting were changed and they were absorbed at new place i.e. present place by order dated 07.09.2014.

4. The learned Counsel for the petitioners submits that similar directions may be given in these petitions, which were given by this Court in **Writ Petition No.8008 of 2014 (Manisha Vasantrao Mete Vs. The State of Maharashtra and ors.)** and other companion petitions on 02.12.2014.

5. It appears that in the above-mentioned petitions which were filed for similar contentions, direction was given by this Court to

see that the petitioners in those petitions are absorbed at the first place where they were posted as per the order of absorption dated 28.08.2014.

6. The submissions made on behalf of both sides show that the Government has issued a Circular dated 12/18.05.2011 declaring the scheme for absorption of the surplus teachers. This problem has occurred due to implementation of the Right of Children to Free and Compulsory Education Act, 2009. Due to the policy of the Government, every year there will be an assessment of requirement of the posts of teachers at each school, surplus teachers would be declared and they will be absorbed in other schools where vacancies are available. The process of assessment is expected to start in the month of September of every year.

7. The petitioners have been working at the present station for more than two and half years.

In view of this circumstance, in ordinary course, the Zilla Parishad will consider the policy of the Government made for Annual General Transfers also. The said directions of the Government cannot be ignored now. Only when a particular teacher is declared as surplus, an occasion can arise for absorption, otherwise the policy made for Annual General Transfers will be followed by the Zilla Parishad.

8. In view of the above, this Court holds that the directions given by this Court in Writ Petition no.8008 of 2014, referred to above, cannot be used as a precedent.

9. In the result, all the Writ Petitions stand dismissed.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]