

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

WRIT PETITION NO. 11745 OF 2016

KAKASAHEB EKNATHRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Prashant Nagargoje, Advocate for the petitioner
Mr.S.W.Mundhe, AGP for the respondent/State

**CORAM : S.V. GANGAPURWALA&
S.M. GAVHANE, JJ.
DATED : 04.10.2017**

P.C. :-

. Mr. Nagargoje, learned counsel submits that because of the closure of the school due to mismanagement the petitioner who is working as Head Master is rendered surplus and is not being absorbed in the school where the petitioner was directed to be absorbed. The said school did not allow the petitioner to join. The petitioner is also entitled for the salary. Directions be given to the respondents to absorb petitioner in any other school as a Headmaster.

2. Learned AGP submits that the Education Officer

has filed an affidavit stating that the school where the petitioner was directed to be absorbed issued him a letter to join, however, the petitioner did not join. Now the petitioner's case can be considered for absorption by on-line method. He can be accommodated as per the availability of the vacancy as a Asst. Teacher protecting his pay scale of Headmaster.

3. There are rival contentions. The petitioner states that it is the Management who did not allow the petitioner to join in the school where the petitioner was directed to be absorbed. Whereas the Education Officer comes with a case that it is the petitioner who did not join the services. We need not enter into the said debate. It is stated on the affidavit filed by the respondent Education Officer that now the case of the petitioner would be considered by on-line absorption method and his pay also would be protected even if he is absorbed as an Assistant Teacher. The said affidavit would redress the grievance of the petitioner to the extent of absorption.

4. As far as the salary is concerned the petitioner may make an application to that effect with the Education officer, which application would be considered by the Education Officer on its own merits, preferably within a period of four months from the date of application. The petitioner may represent himself before the Education Officer. The writ petition accordingly stands disposed of. No costs.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]