

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11534 OF 2016

Sulbha Pralhadrao Joshi

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Suvidh S. Kulkarni, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl. G. P. for the Respondent No. 1.

Shri Suresh N. Rodge, Advocate for Respondent No. 2.

Respondent No. 3 served.

Shri R. R. Suryawanshi, Advocate for Respondent No. 4.

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 21st September, 2017

PER COURT :

1. Mr. Kulkarni, learned counsel for the petitioner has raised objection with regard to the seniority as is stated to be determined by the respondent – Institution. The learned counsel submits that the date of appointment is relevant and not the date attaining the qualification. From the date of appointment petitioner is senior to respondent No. 5.

2. We have heard the learned counsel for the respondents.

3. Under Rule 12 of the M.E.P.S. Rules it is for the Education Officer to decide the aspect of seniority. The petitioner has moved the Education Officer in that regard.

4. The Education Officer shall take decision upon the aspect of seniority as contended by the petitioner under his application after hearing the petitioner and the respondent No. 5, expeditiously and preferably within 4 months.

5. It is submitted by Mr. Kulkarni, the learned counsel that the petitioner was erroneously declared surplus and thereafter the Education Officer in July – 2017 has directed the petitioner to rejoin in the parent Institution. Further, the salary is not paid to the petitioner from the date petitioner was declared surplus till June-2017. The respondent No. 4 also did not allow the petitioner to join.

6. Considering this anomalous situation we direct the Institution i.e. the respondent No. 3 to submit the salary bills of the petitioner for the period October-2016 to June-2017. On receipt of the said salary bills the Education officer shall process the same and take decision upon it.

7. The writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

marathe/sep.17