

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

WRIT PETITION NO.11278 OF 2016

Shaikh Jabeen Begum D/o
Shaikh Qasim ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mrs.A.N.Ansari, advocate for the petitioner.
Mr.S.B.Yawalkar, A.G.P. for the State.
Mr.U.S.Mote, advocate for Respondent No.2 and 4.
Mr.S.B.Pulkundwar, advocate for Respondent No.3.
...

**CORAM : S.V.GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

Date : 10.04.2017.

PER COURT :

1. Heard.

2. Mrs.Ansari, learned counsel for the petitioner submits that petitioner has been relieved on 17.5.2016 by Zilla Parishad, Nanded for allowing the petitioner to join at Zilla

Parishad, Beed as per the order of absorption. Learned counsel submits that Zilla Parishad, Beed is not absorbing the petitioner. There is one post of Assistant Teacher vacant with Zilla Parishad, Beed. The said post become vacant because of the promotion of the said Assistant Teacher.

3. Mr.Mote, learned counsel for Zilla Parishad, Beed, submits that there is no post vacant with Zilla Parishad, Beed. In fact, there are surplus teachers with Zilla Parishad, Beed. Mr.Pulkundwar, learned counsel on instructions for Zilla Parishad, Nanded states that Zilla Parishad, Nanded would absorb the petitioner on her post.

4. In view of the fact that there is no post vacant with Zilla Parishad, Beed, it would not be possible for us to direct absorption of the petitioner with Zilla Parishad, Beed. The petitioner may rejoin at her parent institution i.e. Zilla Parishad, Nanded on the post on which the petitioner was working. The Respondent shall

pay regular salary to the petitioner. As far as the aspect of salary from the date the petitioner was relieved from Zilla Parishad, Nanded till the date of joining is concerned, the petitioner may make an application with the Zilla Parishad, Nanded, which application would be considered on its own merits by the Zilla Parishad, Nanded expeditiously.

5. The Writ Petition is disposed of. No costs.

(SANGITRAO S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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