

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

76 WRIT PETITION NO. 533 OF 2018

RAJENDRA BHAU BHOR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Shivaji T. Shelke, Advocate for the Petitioner.
Mr. A. P. Basarkar, AGP for Respondents-State.
Mr. Shirinivas S. Wagh, Advocate for Respondent
No.4.

...

WITH

WRIT PETITION NO.1608 OF 2018

...

**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 02nd JULY, 2018.

PER COURT:-

1. All these petitioners are transferred from unaided to aided schools after 28.6.2016. The proposal seeking approval to their transfer is rejected basically on the ground that there are surplus teachers required to be absorbed. The counsel for petitioners has placed communication received from the Deputy Director of Education, Pune Division, to suggest that there are only 60 surplus teachers to be absorbed. Learned counsel further submits that there were 351 posts available. According to the learned counsel, even as per the latest GR dated 4.10.2017, the surplus employees to be absorbed are to be considered at

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District and Division level and not at the State level. According to learned A.G.P. as per circular dated 31.3.2017, even the surplus teachers in the State level are to be considered.

2. Naturally, the absorption of surplus teachers is required to take place. According to the petitioners, when they received the information, there were 55 surplus teachers who were to be absorbed in Pune and in Solapur 5 surplus teachers were required to be absorbed. In Ahmednagar there were no surplus teachers. According to the petitioners, there were 351 vacant posts for teachers.

3. It is for the Education Officer to consider the number of vacancies available and the surplus teachers required to be absorbed. Considering the information which is produced by the petitioners, it will be appropriate for the Education Officer to reconsider the proposal. The petitioners may put forth necessary information before the Education Officer. The Education Officer shall also verify the number of surplus teachers and the posts available, so also the case of the petitioners as per Circular dated 28.6.2016 and the relevant Government Resolutions, such as GR dated 4.10.2017 and such other Circulars and take decision afresh preferably within four (4) months. The impugned order would not be an impediment for taking decision afresh. The petitioners may appear

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before the Education Officer on 16.07.2018 and place all information.

4. The Writ Petitions are disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/July-18