

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1697 OF 2018

Khushab Purbhaji Jadhav

.. **Petitioner**

Versus

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

Mr. G. J. Karne and Mr. S. P. Sonwane, Advocates
for the Petitioner.

Mr. S. P. Tiwari, A.G.P. for Respondent Nos. 1 to
3.

Mr. Sharad V. Natu, Advocate for Respondent No. 4.

CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.

DATE: 17th DECEMBER, 2018

PER COURT :

1. After filing of the petition, the petitioner
has been granted approval on probation under
order dated 01.12.2018.

2. The petitioner had earlier filed a writ
petition bearing Writ Petition No. 9307 of 2011.
The same is disposed of under order dated
19.08.2014. While disposing of Writ Petition
No. 9307 of 2011 under order dated 19.08.2014,

this Court had observed that the petitioner is working from the year-1989 till the year-1997 when the school was de-recognised, and the petitioner is entitled to be declared surplus. In such case, the service for the prior period rendered by the petitioner also requires to be considered by the Education Officer. The school where the petitioner was working was initially de-recognised in the year-2003 and was again recognised in the year-2010. It was observed that the petitioner is required to be declared surplus and accommodated in another aided institution.

3. The petitioner, it appears, is subsequently absorbed in the year-2015, however the approval ought to have been considered from the year-1989. The petitioner is declared as surplus.

4. Though we have directed the Education Officer to consider the case of the petitioner to grant approval since the year-1989, however, the petitioner will not be entitled for salary till

the date of absorption. However, the said period can be considered for the purpose of continuity and other benefits. The same shall be done expeditiously and preferably within a period of three (3) months. The other prayer with regard to the preparation of the service book is concerned, the petitioner may provide the necessary documents to the institution where the petitioner is absorbed and the institution so also the petitioner shall co-operate in reconstructing the service book.

5. The writ petition accordingly stands disposed of. No costs.

[R. G. AVACHAT, J.] [S. V. GANGAPURWALA, J.]

marathe