

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

918 WRIT PETITION NO. 4699 OF 2017

RASHTRAMATA JIJAU SEVABHAVI SANSTHA THROUGH ITS
PRESIDENT S B BHAMRE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. G.R.Syed, Advocate for Petitioners
Mrs. A.V.Gondhalekar, AGP for Respondents-State
Mr. R.S.Pawar, Advocate for Respondent No.4
...

**CORAM : PRASANNA B. VARALE AND
MANGESH S. PATIL, JJ.**

DATE : 29.11.2018

PER COURT :-

1. Heard the learned counsel Mr. G.R.Syed for the petitioners, the learned AGP for Respondent Nos. 1 to 3 and the learned counsel for Respondent No.4.
2. It is submitted by the learned counsel that the petitioners by way of the present Writ Petition prayed for prayer Clause 'B' and prayer Clause 'C' :

'B - By issuing writ of mandamus or any other appropriate writ, order or directions in like nature direct the respondent No.3 and 4 to grant / to sanction 10 posts to the petitioner No.1 by correcting the civil list or in the alternative direct the respondent No.3 and 4 to include the name of the petitioner No.2 in the list of surplus employees and disburse the salary admissible to the surplus employees.

C – By issuing writ of mandamus or any other appropriate writ, order or directions in like nature direct the respondent No.3 and 4 to consider and decide representation made by the Petitioner No.2 dated 30.12.2014 and 18.09.2015 at the earliest.'

The learned counsel for the petitioners further submit that the petitioners are not insisting for prayer clause 'B' and this Court may consider the prayer clause 'C'. The learned counsel then submitted that petitioner No.2 was appointed on 08.06.2011. Necessary resolution was also passed. The learned counsel then submitted that one of the employee / teacher was terminated by the Management and the said employee approached the learned Presiding Officer, School Tribunal by presenting an appeal. Though the appeal was dismissed, the Deputy Director of Education directed the institute to consider the request of the said employee Smt. Thakare and the institute on a sympathetic consideration reinstated Smt. Thakare.

3. The learned counsel then submitted that the petitioner being the Junior most employee in the school though ought to have been declared surplus by following due procedure though steps were not taken. The petitioner, as such, submitted representations and in turn the Head Master of

the School namely Bhagai Primary School, Valwadi Taluka and District Dhule being run by the petitioner / institute submitted representation to the Education Officer (Primary) Zilla Parishad. Our attention was invited to the copy of the representation placed on record dated 18.09.2015. It is submitted in the representation that in view of the staffing pattern, the petitioner is now a surplus teacher, as such, necessary steps be taken to declare petitioner No.2 as surplus teacher and he be enlisted in the list of surplus teachers. It is the further submission of the learned counsel for the petitioners that this representation is pending before the authorities for a long period and the authority namely the Education Officer (Primary), Zilla Parishad, Dhule be directed to decide the representation at the earliest.

4. The prayer of the learned counsel being a limited one and not causing any prejudice to the respondents, we dispose the present petition in terms of prayer clause 'C'. The Education Officer (Primary) Zilla Parishad, Dhule to decide the representation dated 18.09.2015, as expeditiously as possible and not later than twelve weeks from the date of order of this Court.

5. Needless to state that on the merits of the representation and if so asked by giving an opportunity of hearing to all necessary parties.

6. With these directions, the petition is disposed of.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)

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vmk/-