

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6533 OF 2016

Subhash S/o Baliram Maddewad

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr. G.J. Karne advocate for the petitioner

Mr. C.S. Kulkarni, AGP for Respondent Nos. 1, 2 & 4

Mr. S.B. Munde h/f Mr. V.D. Gundle advocate for respondent No.5

CORAM : **R.M. BORDE & K.K. SONAWANE, JJ**

(Date: March 5th, 2018)

PER COURT :-

1 The petitioner is praying for issuance of direction to respondent No.5, the Headmistress, Rani Laximibai Girls High School, Narshi, Tq. Naigaon, District : Nanded to relieve him from the present posting to facilitate him to join in the Rashtriya Madyamik Shiksha Abhiyan Karyalaya, Nanded.

2 According to the petitioner, he has been declared as surplus in view of the order issued on 25.7.2014. The petitioner was directed to report at Rani Laximibai Girls High School, Narshi, Tq. Naigaon, District : Nanded as a stop-gap-arrangement. However, the petitioner was not relieved by the institution, as such, he could not join the post at Rani Laximibai Girls High School, Narshi, Tq. Naigaon, District : Nanded. The

petitioner contends that since, he is declared as a surplus employee, the respondent Education Officer needs to be directed to issue an order directing absorption of the petitioner in another recognized school.

3 An affidavit in reply has been presented on behalf of the respondents, wherein it has been stated that the petitioner has been declared surplus and was directed to report in the office of Rashtriya Madhyamik Shiksha Abhiyan Karyalaya, Multipurpose Vazirabad, Nanded by order dated 14.3.2016. The post available at the said school was of a temporary nature. It is further contended that since the petitioner could not be relieved by respondent No.5, he could not join the said office and as such could not be accommodated at an alternate place. It is further submitted that the services of the petitioner are not required in the office of Rashtriya Madhyamik Shiksha Abhiyan Karyalaya, Multipurpose Vazirabad, Nanded. The request made by the petitioner for issuance of direction to respondent No.5 school to relieve him, therefore, is rendered futile. It is further stated that the State Government is in the process of finalizing the staffing pattern of the non-teaching staff and for the purpose of determining the number of posts of non-teaching staff, under the Govt. resolution dated 12.2.2015, a committee has been

constituted. It is further contended that the report submitted by the committee is pending consideration. After approval of the the policy in respect of the staffing pattern by cabinet, appropriate decision would be taken in respect of accommodation of surplus employees. It is further contended that although petitioner is declared surplus, however, he is at present posted in respondent No.5 school. He is being paid regular salary through respondent No.5 school. Until the petitioner is accommodated in any other school, he is entitled to receive regular salary in view of the relevant regulations and it would be obligatory on the part of respondents to continue to disburse the salary of the petitioner through respondent No.5 school till his absorption in any alternate school.

4 In the circumstances, at present, the grievance raised by the petitioner in the instant petition does not deserve consideration. It would be open for the petitioner to approach the appropriate authority including this Court for redressal of his grievance as and when occasion arises.

5 With liberty as aforesaid, the writ petition is disposed of.

(K.K. SONAWANE, J)

(R.M. BORDE, J)