

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

WRIT PETITION NO. 11570 OF 2017

Sumaira Kaunain Abdul Majeed
Qureshi

.. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Vivek J. Dhage, Advocate for the Petitioner.

Mrs. Vaishali N. Jadhav-Patil, A.G.P. for Respondent Nos. 1 & 4.

Shri Vilas R. Sonwalkar, Advocate for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 20TH APRIL, 2018.

FINAL ORDER :

. Under order dated 23rd March, 2018, we had issued bailable warrant to respondent Nos. 2 and 3, returnable on 20th April, 2018. We were constrained to issue bailable warrant to respondent Nos. 2 and 3 as inspite of service of notice before admission, respondent Nos. 2 and 3 did not appear. Subsequently, this Court issued notice of final disposal. The notice of final disposal was also served, still the respondent Nos. 2 and 3 did not appear.

2. It is submitted that, bailable warrant is served upon

respondent Nos. 2 and 3 and they have furnished bail.

3. The affidavit is filed to the writ petition. It is stated in para No. 2 of the affidavit that the petitioner is absorbed in Zilla Parishad school. Therefore, considering her previous service period, etc. higher pay scale will be granted to her. In para No. 4 of the affidavit, respondent Nos. 2 and 3 state that, considering her period of service in the previous school, period of petitioner's being out of service and other factors, the decision about her claim of higher pay scale and time bound promotion will be taken as per rules.

4. According to the petitioner, the petitioner was appointed in a private aided school in the year 1994. Subsequently, was declared surplus and was absorbed in the Zilla Parishad school. The time taken for absorption in the Zilla Parishad school may not be considered for grant of monetary benefit, but has to be considered for continuity.

5. The respondents have submitted that, decision will be taken on all these aspects within a period of two months from today. The respondents shall consider the aspect of the petitioner being appointed on a aided post, subsequently having been declared surplus and absorbed. They shall consider all the relevant aspects and take decision upon the same within a period

of two (02) months from today. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 18