

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

43 WRIT PETITION NO. 11250 OF 2016
WITH CA/2078/2017 IN WP/11250/2016

GAUTAM GAHININATH TAMBE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S.G. Rudrawar
AGP for Respondents: Mr. S.Y. Mahajan
Adv. for Respondent no. 5 : Mr. Aashish Jadhavar.

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

DATE : 20th February, 2018.

PER COURT:-

The petitioner is objecting to the communication dated 31.8.2016 issued by the Education Officer, calling upon the petitioner to remain present before him from 29.8.2016 onwards, as per the programme declared by the concerned Education Officer for the purpose of declaration of employees including the petitioner to be surplus. The petitioner contends that, in fact, he is not the junior-most employee and with a view to protect another junior employee, the name of the petitioner has been forwarded by the management to the Education Officer.

2] An affidavit in reply has been presented by the Deputy Education Officer on behalf of respondent No.2 Education Officer. It is recorded in para.5 of the affidavit in reply, that the Head Master of the School has tendered his explanation on 5.10.2016, whereas, the explanation from the management is awaited. It is further stated that after getting explanation from the management the issue of seniority will be resolved. The Education Officer is not expected to declare the petitioner as surplus

before resolving the issue of seniority. The question of determining inter-se seniority in the educational institutions falls within the purview of Education Officer. In this view of the matter, the Education Officer (Secondary), Zilla Parishad, Beed is directed to decide the issue of inter-se seniority of the petitioner and other employees functioning in the educational institution. Until the issue of seniority is resolved by the Education Officer, the petitioner shall not be declared to be a surplus employee and appropriate steps can be taken in furtherance of the decision on the issue of seniority that may be taken by the Education Officer. The Education Officer shall also look into the grievance of the petitioner in respect of disbursement of salary and issue necessary instructions.

3] With the directions as above, writ petition is disposed of.

[K.K.SONAWANE, J]

[R.M. BORDE, J]

grt/-