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

**CONTEMPT PETITION NO. 626 OF 2016
IN
CONTEMPT PETITION NO. 311 OF 2015
IN
WRIT PETITION NO. 6823 OF 2013**

Rajkumar s/o Shivmurtiappa Panchade,
Age: 44 years, Occu:Service,
R/o: Gojegaon, Tq. Mukhed,
Dist. Nanded

..PETITIONER

VERSUS

1. Shri. Raj Gopal Deora,
Secretary, Tribal Development
Department, Government of
Maharashtra, Mantralaya,
Mumbai-32
2. Shri. Piyush Singh,
Director for Welfare of
VJNT, O.B.C. and S.B.C.
Maharashtra State,
3, Church Road, 5th Floor,
Aayuktalaya, Pune-1
3. Shri. L. R. Waghmare,
Regional Deputy Commissioner,
Social Welfare, Latur Region,
Latur
4. Shri. B. G. Arawat,
Assistant Commissioner of
Social Welfare, Latur

..RESPONDENTS

Mr P. G. Rodge, Advocate for petitioner;
Mr S.Y. Mahajan, A.G.P. for respondent/State

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**CORAM : PRASANNA B. VARALE &
MANISH PITALE, JJ.**

DATE : 10th OCTOBER, 2018

ORAL ORDER :

Heard Mr Rodge, learned Counsel appearing for the petitioner.

2. Our attention was invited to the order passed by this Court dated 8th October, 2014 in Writ Petition No.6823 of 2013. The directions were issued in para 9 of the said order whereby respondents authorities were directed to place the petitioner in the list meant for the candidates to be absorbed as per Rule 26 of the MEPS Rules and this Court further observed that the petitioner would be entitled for all consequential benefits arising thereto. As there was no compliance, the petitioner approached this Court by filing Contempt Petition No.311 of 2015. The respondents authorities submitted before this Court that there were certain technical difficulties and statement was made that necessary compliance would be done as

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expeditiously as possible. The said contempt petition was disposed of by an order dated 26th April, 2016.

3. The petitioner is before this Court submitting that till date, there is no compliance of the order of this Court.

4. The affidavit-in-reply is filed on behalf of respondent Nos.1 to 4 by Mr Babasaheb Gurushantappa Arawat, who is occupying position as a Assistant Commissioner, Social Welfare Department, Government of Maharashtra, Latur. It is stated in the affidavit-in-reply that after receiving Government Order, respondent No.4 i.e. Assistant Commissioner, Social Welfare, Latur immediately drawn the salary bill Rs.16,84,285/- and same amount is deposited in petitioner's account on 26th October, 2016. The copy of the letter given to the Bank referring to the amount is annexed to said affidavit-in-reply. Deponent, in para 13 of the reply stated that name of the

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petitioner Rajkumar Shivmurtiappa Panchade has been included in the list of surplus secondary teacher at Sr.No.1 and as per this seniority reservation, education qualification and available vacancy, petitioner will be absorbed in other Ashram school in Latur district. Copy of the list of surplus teacher is also annexed to said affidavit-in-reply.

5. Mr Rodge, learned Counsel for the petitioner submitted that though the grievance of the petitioner is partially redressed, the petitioner is not yet absorbed. The direction of this Court was to place the petitioner in waiting list meaning thereby as an when the vacancy would arise, the petitioner would be absorbed as per his seniority in the waiting list. The statement is made before this Court in the affidavit-in-reply that the petitioner is at Sr.No.1 in waiting list and affidavit is filed in the year 2017.

6. On 15th November, 2016, learned A.G.P. submitted that at the relevant time also as there

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was no vacancy available, the petitioner would not be absorbed but the statement was made that he will be absorbed as vacancy would be available.

7. We hope and trust that respondent No.4 would maintain his statement and accordingly, the petitioner would be absorbed as and when vacancy is available. The grievance of the petitioner, as such is complied with substantially. Accordingly, the petition is disposed of.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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