

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

BENCH AT AURANGABAD.

WRIT PETITION NO.13421 OF 2017

Shaikh Ajim Dilkhush ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

WITH

**WRIT PETITION NO.15118 OF 2017
WRIT PETITION NO.15289 OF 2017
WRIT PETITION NO.15290 OF 2017
WRIT PETITION NO.15293 OF 2017
WRIT PETITION NO.15294 OF 2017
WRIT PETITION NO.15297 OF 2017**

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Mr.Shivaji T.Shelke, advocate for the petitioners
Mrs.Vaishali Patil Jadhav, A.G.P. for the State.
Mr.S.S.Wagh, advocate for Respondent No.4.

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

Date : 23.04.2018.

PER COURT :

1. All these petitioners are transferred

from unaided to aided schools after 28.6.2016. The proposal seeking approval to their transfer is rejected basically on the ground that there are surplus teachers required to be absorbed. The counsel for petitioners has placed communication received from the Deputy Director of Education, Pune Division, to suggest that there are only 60 surplus teachers to be absorbed. Learned counsel further submits that there were 351 posts available. According to the learned counsel, even as per the latest GR dated 4.10.2017, the surplus employees to be absorbed are to be considered at District and Division level and not at the State level. According to learned A.G.P. as per circular dated 31.3.2017, even the surplus teachers in the State level are to be considered.

2. Naturally, the absorption of surplus teachers is required to take place. According to the petitioners, when they received the information, there were 55 surplus teachers who were to be absorbed in Pune and in Solapur 5 surplus teachers were required to be absorbed.

In Ahmednagar there were no surplus teachers. According to the petitioners, there were 351 vacant posts for teachers.

3. It is for the Education Officer to consider the number of vacancies available and the surplus teachers required to be absorbed. Considering the information which is produced by the petitioners, it will be appropriate for the Education Officer to reconsider the proposal. The petitioners may put forth necessary information before the Education Officer. The Education Officer shall also verify the number of surplus teachers and the posts available, so also the case of the petitioners as per Circular dated 28.6.2016 and the relevant Government Resolutions, such as GR dated 4.10.2017 and such other Circulars and take decision afresh preferably within four (4) months. The impugned order would not be an impediment for taking decision afresh. The petitioners may appear before the Education Officer on 4.5.2018 and place all information.

4. The Writ Petitions are disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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