

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14147 OF 2017

Rajubai Limbanna More

.. **Petitioner**

Versus

The State of Maharashtra and another

.. **Respondents**

Shri Kamlakar J. Suryawanshi, Advocate for the Petitioner.

Shri A. V. Deshmukh, A.G.P. for Respondent No. 1.

Shri U. S. Mote, Advocate for Respondent No. 2.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVALA, JJ.

DATE : **1st February, 2018**

PER COURT :

1. Learned advocate for the petitioner submits that the petitioner is working as a Headmaster. The salary of the petitioner is stopped under the orders of the Education Officer on the ground that petitioner has not submitted salary bills of an employee who is declared as surplus. The learned advocate submits that one Mr. Deshmukh Rahul Bhaskarrao was declared surplus and was directed to join another Institution. The Institution where the said employee was directed to join did not absorb him. The petitioner could not have submitted salary bills of an employee who is declared surplus.

2. We have heard Mr. Mote, learned advocate for the Zilla Parishad and the Education Officer and Mr. Deshmukh, learned A.G.P.

3. Even the order of the Education Officer shows that one Mr. Deshmukh Rahul Bhaskarrao who was working with the Institution where the petitioner is Headmaster is declared surplus and is directed to be absorbed with Yogeshwari Nutan Primary School, Ambajogai. If the said teacher is already declared surplus and the school where he is directed to be absorbed is not allowing him to join it is for the Education Officer to take appropriate steps against the said school who is not allowing an employee to join and / or such other steps to absorb him in some other school. It appears that he is directed to be absorbed in other school i.e. Savarkar Primary School, Beed.

4. In view of that, the petitioner cannot be said to at fault, so as to stop his salary.

5. In the light of above, we allow the petition. The Education Officer shall not withhold the salary of the petitioner on the ground that salary bills of surplus employee Mr. Deshmukh Rahul Bhaskarrao is not submitted.

6. The writ petition is accordingly allowed. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

marathe/Jan.18