

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

WRIT PETITION NO. 12611 OF 2016

**BHARAT RAJARAM BHOCHARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.D.K.Rajput, Advocate for petitioner

Mr.S.G.Karlekar, AGP for respondent nos.1 to 3

Mr.S.D.Kaldate, Advocate for respondent no.4

**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.
DATE : NOVEMBER 19, 2018**

PER COURT

Mr.Rajput, learned Counsel for the petitioner submits that the petitioner is declared surplus as per the seniority list maintained by the respondent - Institution. The petitioner is at Serial No.12 in that list. He submits that the persons, who are juniors to the petitioner, are retained and the petitioner is declared surplus. He submits that during the pendency

of the petition, strength of the students has increased and the post on which the petitioner was working, would be admissible in the respondent - Institution.

2. Mr.Kaldate, learned Counsel for respondent no.4 submits that the strength of the students has increased.

3. Considering the submissions made by learned Counsel for the petitioner and learned Counsel for respondent no.4, that the strength of the students is increased and that the post on which the petitioner was working, would be admissible in the respondent - Institution, we direct respondent no.3 - Education Officer (Secondary) to take decision with regard to the admissibility of the post, on which the petitioner was working, in the said Institution.

4. In case the petitioner has any grievance about the seniority list, he may raise an objection, as provided under Rule 12 of the M.E.P.S. Rules.

5. Needless to state, if such an objection is filed by the petitioner, the Education Officer shall consider it in accordance with law, considering all the relevant aspects of the matter and hearing the affected parties, if any. The affected parties, if any, can raise all the contentions available to them.

6. The Writ Petition is accordingly disposed of. No costs.

[R.G. AVACHAT, J.]

[S.V. GANGAPURWALA, J.]

kbp