

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

WRIT PETITION NO. 15284 OF 2017

Usha Ramdas Jadhav

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Mahesh R. Sonwane, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 4.

Shri Jadhav, Advocate h/f Shri A. K. Tiwari, Advocate for
Respondent Nos. 5 to 7.

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

DATE : 27TH APRIL, 2018.

FINAL ORDER :

. The petitioner was working in the respondent No. 6/school. According to the petitioner, she was transferred to the respondent No. 7 on the ground that she had become surplus. According to the learned counsel, the management subsequently has taken stand that on administrative ground the petitioner is transferred. The petitioner is not allowed to join either in the respondent No. 7/school, nor is allowed to work in the respondent No. 6/school.

2. Mr. Jadhav, learned advocate holding for Mr. Tiwari, the

learned counsel for respondent Nos. 5 to 7 submits that, the petitioner is rendered surplus in the year 2006. The petitioner did not join with the respondent No. 6, nor with the respondent No. 7.

3. Even the respondent requested the petitioner to join as per letter dated 29.07.2017, however, the petitioner did not join the service.

4. The Education Officer has also filed reply. According to the Education Officer, the petitioner is a Arts teacher. As per policy of the Government, Arts teacher's post is solitary post and, therefore, cannot be rendered surplus. The parties were called for hearing on 11.10.2017 and the respondent No. 7 was directed to permit the petitioner to work.

5. The petitioner is transferred to the respondent No. 7/school. The petitioner is working as a Arts teacher.

6. The petitioner shall join the respondent No. 7/school and shall present herself before the respondent No. 7/school on 03rd May, 2018.

7. As far as salary for the period from September 2016 till date is concerned, the Education Officer shall enquire into the

matter as to whether the respondent No. 7 was not allowing the petitioner to join or the petitioner on her own volition has not joined the post, as there are rival claims in this regard. The Education Officer shall conduct the enquiry within two months thereafter with regard to payment of salary of the petitioner from September 2016 till date the petitioner joins service. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 18