

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4611 OF 2018

Sonali Yadav Shinde

.... Petitioner

Vs.

Regional Deputy Commissioner,
Social Welfare, Pune Department,
Pune & Others

.... Respondents

Mr. Rajaram B. Deshmukh for the Petitioner.

Mr. B.V. Samant, AGP, for Respondent Nos.1 to 4.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : JULY 18, 2018

P.C:

1. After the matter was adjourned on the earlier occasion and posted today, Mr. Samant, learned AGP, has produced the original records from the custody of the concerned officer. From the original records it is evident that respondent No.7-Shobha Bhimrao Pawar has been appointed in the Primary Ashram School at Talegaon Dhamdhere, Taluka Shirur, District Pune. There was a controversy as to whether she has, after such

absorption, reported for duty at this primary school.

2. Now, it is reported that the said respondent No.7-Shobha Bhimrao Pawar has joined duties. She has joined the duties with effect from 15-6-2018.

3. Mr. Samant, on instructions from the concerned official present in Court, informs that this teacher has indeed joined the school and reported for duty.

4. In such circumstances, as pointed out earlier, we are not inclined to interfere with the order under challenge. More so, when the Management could not have proceeded on the footing that just because one surplus teacher, who was to be accommodated, did not report for work that the post has fallen vacant. Once such an event occurs another surplus teacher should have been accommodated if the person whose name appears first or higher in the list of surplus teachers and allotted the concerned primary school has not reported for work. The Management does nothing of this kind and proceeds on the footing that the surplus teacher, Neelkanth Dilip Margar, having

not reported for work, there is a permanent vacancy. That understanding of the Management is plainly incorrect as is borne out from the record. The authorities could have then directed the Management to accommodate another eligible teacher, and who fulfils the requirement of the roster point, to be accommodated. The 7th respondent to this petition is such a teacher and even she was made to run from pillar-to-post. Now that she has reported for work, in the exercise of our extraordinary, discretionary and equitable jurisdiction under Article 226 of the Constitution of India, we do not think we should interfere with the order under challenge. The writ petition is, therefore, dismissed but without any order as to costs.

5. A copy of the report by which respondent No.7 has joined the duties is taken on record and marked "X" for identification.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)

Suresh
Jagdish
Sajnawat

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