

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 13936 OF 2018

Savita Deepak Jagtap

... Petitioner

Vs

1 The State of Maharashtra & Ors.

... Respondents

Mr. T.S. Ingale for the Petitioner.

Mrs. S.D. Vyas 'B' Panel Counsel for the Respondent-State

Mr. M.L. Patil for the Respondent Nos.6 & 7.

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

THURSDAY, 13TH DECEMBER, 2018

P.C. :

1 After this petition was heard for some time, on taking instructions from the petitioner, who is present in Court, as also the representative of the Management, who is also present in Court, both, Mr. Ingle appearing for the petitioner and Mr. Patil appearing for the respondent No.6 and 7 state that the petitioner would report for duties at the seventh respondent Vidyalaya and Junior College, Pune, on Monday, the 17th December, 2018. If she

reports, the Management will allow her to join the duties and thereafter take the necessary steps. She would be relieved, but after compliance with the requirement under the order of the Education Officer (Secondary), Pune. In terms of that order, even if the petitioner is relieved, her name will be included in the Portal so that she joins the teachers who are rendered surplus, but awaiting absorption. Thereafter she would be absorbed as per her turn and in accordance with law.

2 Mr. Patil states that even if the petitioner is relieved by the Management on Monday 17th December, 2018, after her joining / reporting for duty, still, they will forward the necessary document to the Deputy Director of Education, Pune Region, Pune, as also the Education Officer (Secondary), Zilla Parishad, Pune, so that the petitioner's name can be included in the Portal / list of surplus teachers awaiting absorption in the Schools within the area of operation and jurisdiction of the above statutory authorities.

3 The writ petition gets worked out and this is how the compliance will be made with the order of the Education Officer

and his communication dated 27th June, 2018. The writ petition is disposed of accordingly.

4 Needless to clarify that this does not include the issue of entitlement of the petitioner to the salary for such time as she was not allowed to report for duties or was not included in the list of teachers for absorption. Let her, therefore, first take the above step and in the event the Management does not comply with the statement made hereinabove, then, we do not think that we would be justified in directing that all claims of the petitioner come to an end. We clarify that even if she reports, her claim for the past salary is kept open for being dealt with in such manner as is contemplated in law.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.