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IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 3547/2017

(Hansa Shikshan Krida Vyayam Prasarak Mandal **vs.** The State of Maharashtra and others)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 of directions and Registrar's orders

Court's or Judge's order

Mr. N.S.Warulkar, Advocate for petitioner
 Mr. V.P Maldhure, Assistant Government Pleader for respondents 1 to 4
 M. A.M.Gedam, Advocate for respondent no.5
 Mr. Chetan Funde, Advocate for Respondent no.6

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.

DATED : 17th April, 2018.

Heard.

By this Writ Petition, the petitioner challenges the order dated 10.04.2017 passed by the respondent no.2- the Director of Social Welfare, directing the petitioner to absorb the respondent nos.5 and 6 in the school run by the petitioner-Sanstha. The petitioner had sought permission of the respondents to fill up the vacant posts of Kamathi, Helper and Cook.

It appears that the respondent no.5 has refused to join in the school of the petitioner-Sanstha as according to the respondent no.5 he cannot be declared as 'surplus' in the Ashram School where he is working. It would, therefore, be necessary for the respondents nos.2 to 4 to send any other surplus employee in place of respondent no.5 to the

school of the petitioner. The respondent no.6 has already joined the duty in the School run by the petitioner on the post of Helper and, therefore, there would be no vacancy in the post of Helper.

In view of the aforesaid, we dispose of the Writ Petition with the direction against the respondent nos.2 to 4 to send a surplus employee for working on the post of Kamathi in the school of the petitioner if available, for absorption on the post of Kamathi. Since it is stated that the respondent nos.1 to 4 had permitted the petitioner to fill the post of Cook during the pendency of the writ petition, the concerned respondents may consider the proposal submitted by the petitioner-society for grant of approval. We issue further direction against the respondent nos.2 to 4 to send an surplus employee to the petitioner-school for working on the post of Kamathi within a short time. Order accordingly. No costs.

JUDGE

JUDGE