

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3632/2017

Purushottam s/o Dinkar Choudhari and others

...Versus...

The State of Maharashtra, through its Secretary, Department of School
Education & Sports, Mantralaya, Mumbai – 400032 and others

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

Court's or Judge's orders

Shri B.G. Kulkarni, Counsel for petitioners
Shri B.M. Lonare, AGP for respondent nos.1 to 4
Shri Anand Parchure, Counsel for intervenors

CORAM : SMT. VASANTI A NAIK AND
ARUN D. UPADHYE, JJ.

DATE : 30/01/2018

By this writ petition, the petitioners have challenged the Government Resolution dated 17/5/2017 and have sought a direction against the State Government and the concerned respondents not to implement the Government Resolution for the Secondary and Higher Secondary night schools.

It is fairly stated on behalf of the petitioners that the Government Resolution dated 17/5/2017 was challenged in a writ petition at the Principal Seat and the Court has dismissed the said writ petition by negating the challenge. It is submitted that the Government Resolution may not be implemented for the Secondary Schools that are running in night shifts, as according to the petitioners there are no surplus teachers available with the

respondent nos.1 to 4 that could be absorbed in the night schools. It is submitted that at least the arrangement of the petitioners working in the night schools as part-time teachers should be continued till the end of this session.

The learned Assistant Government Pleader appearing for the respondent nos.1 to 4 states that there are several surplus teachers available for teaching the secondary classes and they could be sent to the night schools as part-time teachers. It is submitted that the petitioners would not have a right to work as part-time teachers in the night schools, specially when the challenge to the Government Resolution dated 17/5/2017 has failed.

The learned Counsel for the intervenors submitted that the intervenors are actually working in the night schools and their services would be discontinued if the petitioners are permitted to work as part-time teachers in the night schools.

In the circumstances of the case, we are not inclined to grant the relief sought by the petitioners in the instant writ petition. Firstly, the challenge to the Government Resolution dated 17/5/2017 has failed. If that is so, the petitioners would not have a right to work as part-time teachers in the night schools. The petitioners are regular and permanent teachers working in the day schools and there is no right in the petitioners to work as part-time teachers in the night schools, specially when several surplus teachers are available with the respondent nos.1 to 4, who could be absorbed the night schools as part-time teachers. Also, the intervenors have claimed that they are actually working as regular teachers in the night schools and therefore

their services would be affected, if the claim of the petitioners is granted.

Since the petitioners have not made out any case for granting the relief sought in this writ petition, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar