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

WRIT PETITION NO.3580 OF 2019

Shobha Rameshrao Deshpande,
Age: 39 years, Occ: Assistant Teacher,
R/o. At Sangam, Post Hungunda,
Taluka Dharmabad,
Dist. Nanded - 431 711

..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
School Education & Sports
Department, Mantralaya, Mumbai
 2. The Head Master,
Rajshree Shri Chatrapati Shahu
Sainika Vidyalaya, Sharda
Nagar, Sagaroli, Taluka Biloli,
District Nanded
 3. The Education Officer (Secondary)
Zilla Parishad, Nanded
- ..RESPONDENTS

Mr (Dr.) R.J. Godbole, Advocate for petitioner;
Mrs A.V. Gondhalekar, A.G.P. for respondent Nos.1 &
3

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 5th APRIL, 2019

(2)

ORAL ORDER :

Heard Mr. Godbole, learned Counsel appearing for the petitioner, learned A.G.P. for respondent Nos. 1 and 3.

2. It is the case of petitioner that after she was declared surplus from Rajshree Shri Chatrapati Shahu Sainiki Vidyalaya, Sharda Nagar, Sagaroli, Taluka Biloli, District Nanded, her services were absorbed in Hutatma Pansare Vidyalaya, Dharmabad vide order of the Education Officer. It is claimed that she has resumed her duties on 14th May, 2016.

3. According to the petitioner, during her waiting period i.e. having been declared surplus from the earlier school i.e. Rajshree Shri Chatrapati Shahu Sainiki Vidyalaya, Sharda Nagar, Sagaroli, Taluka Biloli, District Nanded and till her date of joining pursuant to the order of absorption passed by the Education Officer, for a period of 30th April, 2015 to 14th May, 2016 the

(3)

salary of the petitioner is not paid.

4. Attention of this Court was invited to the representations preferred by the petitioner on 25th July, 2016, 3rd March, 2018 and 4th September, 2018.

5. In the aforesaid backdrop, it will be appropriate, in our opinion, to direct respondent No. 3 - The Education Officer (Secondary), Zilla Parishad, Nanded to decide the said representations viz., claim of the petitioner for entitlement for release of the salary as an Assistant Teacher in Secondary School having been declared surplus for a period from 30th April, 2015 to 14th May, 2016.

6. Let the claim of the petitioner be decided within three months from the date of production of the copy of this order. The petition, as such, stands partly allowed.

(NITIN W. SAMBRE)
JUDGE

(PRASANNA B. VARALE)
JUDGE