

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

106 WRIT PETITION NO.5511 OF 2018

MILIND SUDHAKAR SARODE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Syed A. R.
AGP for Respondents No. 1 & 2 : Mr. S.B. Yawalkar.
Advocate for Respondent No. 3 & 4 : Mr. Nirmal Rajendra Dayama
Advocate for Respondent No. 5 : Mr. Gajendra Jain, h/f Mr. Thoke
Dhananjay B.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 13/08/2019

PER COURT :

1 The petitioner seeks repatriation. Affidavit is filed by the Deputy Education Officer (Secondary) Zilla Parishad, Jalgaon. Para Nos. 8 and 9 in the affidavit filed by the respondent No. 2 read thus :

"8- I say and submit that, the respondent No. 4 is a school run by local authority i.e. the respondent No. 3. The respondent No. 4 submits that list of surplus teachers, the surplus teachers are declared by the respondent No. 4. I say that, as such it is for the respondent No. 4 to take into consideration the various factors involved in the matter. I say that, as on today there is no vacant post and 9 teachers are surplus in respondent No. 4 school, therefore, it is not possible to repatriate the petitioner.

9- I say that the inquiry is in progress and will be completed soon. In the totality of the circumstances, the petition sans merit and deserves to be dismissed."

2. Considering the above, as clarified in para No. 9 of the affidavit filed by the respondent No. 2, the inquiry shall be concluded within a period of three months, if not concluded, further decision shall be taken accordingly.

3. The writ petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

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