

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

WRIT PETITION NO. 8184 OF 2018

Madhav Govindrao Mudgule and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Balaji L. Sagar Killarikar, Advocate for Petitioners.

Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 to 4.

Shri Anand Chawre, Advocate for the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 14TH JANUARY, 2019.

FINAL ORDER :

. The petitioners assail the order dated 05th July, 2018. Under the said order the respondent No. 5/school that was de-recognized is granted recognition for a period of one year subject to certain conditions. The petitioners claim to be employees of the respondent No. 5/school. It is submitted by the learned counsel for petitioners that, at present there is not a single student in the respondent No. 5/school.

2. It is further case of petitioners that, after the respondent No. 5/school was de-recognized, the petitioners were absorbed in other Government schools and upon re-recognition being granted

to the respondent No. 5, they have been relieved. At present the respondent No. 5 does not have a single student, nor the petitioners are absorbed in any other institution.

3. Mr. Chawre, the learned counsel appears for the respondent No. 5 and submits that, it is on account of misdeeds of petitioners, the respondent No. 5/school was required to be closed down. They cannot be absorbed in the respondent No. 5/school.

4. The learned Assistant Government Pleader submits that, there are certain vacancies available. The petitioners can be repatriated to their parent institution that is the respondent No. 5, as the petitioners have given undertaking at the relevant time.

5. If the de-recognition of the respondent No. 5 would have been on account of lapses on the part of petitioners, then they were not entitled for absorption in any other school. However, petitioners were absorbed by the authorities in other Government schools on temporary basis. It is not for the respondent No. 5 to suggest as to who should be absorbed. There is no finding of the authority that it was on account of the acts of commissions and omissions on the part of petitioners, the respondent No. 5 was de-recognized.

6. The respondent authorities shall absorb the petitioners on the vacant posts in aided institutions or in Government schools as per the availability of the vacancies. The said process shall be completed within a period of three (03) months from today. The writ petition is disposed of. No costs.

[A. M. DHAVALA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 19