

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9575 OF 2016

SUKHDEO RAJARAM SARODE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. U. R. Awate i/b.
M/s. Talekar and Associates
AGP for Respondents No. 1 to 3 : Mr. A. R. Kale
Advocate for Respondents No. 4 & 5 :
Mr. A. R. Devakate

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CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 12th APRIL, 2019

PER COURT :

1. Mr. Awate, the learned counsel submits that the petitioner has qualification of CTC. He could not be declared surplus. After the filing of the writ petition further hearing had taken place.

2. Mr. Devakate, learned counsel submits that respondent no. 5 has entered service after the petitioner but was possessing the qualification, as such, respondent no. 5 would be considered

senior. The petitioner acquired B.Ed. qualification in the year – 2004, whereas respondent no. 5 has acquired qualification in the year – 1995.

3. We have heard the learned Assistant Government Pleader also.

4. Reliance is placed on the communication issued by the Director of Education dated 12.09.2018 determining the surplus candidates.

5. Considering the subsequent communication issued by the Director of Education we direct the Education Officer to re-consider the aspect of the surplus candidates *vis a vis* the petitioner. The communication of the Director of Education dated 12.09.2018 (*Page No. 88*) shall be also considered. The said decision be taken in accordance with law, expeditiously and preferably within a period of three (03) months from today. Till the decision is taken by the Education Officer the interim orders passed earlier to continue.

6. Respondent no. 4 may submit the salary bills in respect of the petitioner with its own notings within a period of two (02) weeks from today. The Education Officer shall take decision upon the said salary bills on its own merits along with the decision that he would be taking with regard to the petitioner becoming surplus or otherwise.

7. Writ Petition stands disposed of. No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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