

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
921 WRIT PETITION NO.13936 OF 2018**

VARSHA VASANT MHETRE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...
Mr. Sanjaykumar B. Bhosale, Advocate for the
Petitioner.

Mrs. V. N. Patil-Jadhav, AGP for Respondents-State.
Mr. U. B. Bondar, Advocate for Respondent Nos.3 to
5.

...
**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**
DATED : 16th APRIL, 2019.

PER COURT:-

1. Mr. Bhosale, learned counsel for the petitioner submits that the petitioner was transferred to Zilla Parishad Primary School, Chincholirao Wadi on 28.05.2018 and under the impugned order the petitioner is again transferred to Bhoira. The learned counsel submits that the Government Resolution dated 12/18.05.2011 has not been properly applied by the respondents. The persons who are working there since many years have been retained and petitioner is transferred.

2. Mr. Bondar, learned counsel for respondents submits that one post at Chincholirao Wadi became excess. In view of that, as the petitioner was the junior most, she is declared surplus. While absorbing the petitioner care has

been taken and she has been placed at the nearest place.

3. We have considered the submissions canvassed by the learned counsel for the respective parties.

4. The policy as is enunciated in the Government Resolution dated 12/18.05.2011 is clear. While absorbing, the senior most teacher has to be absorbed first. While declaring the surplus, naturally junior most would be declared surplus first. It is submitted that on the very day all the teachers were posted in the school at Chincholirao Wadi. Considering the length of service, the petitioner was the junior most, so naturally upon reduction of the post, petitioner had to be declared surplus. It is also further submitted that the petitioner is accommodated at a distance of 15 kilometer from the place of work of a husband.

5. Considering the above, no interference called for. Writ Petition is disposed of. No costs.

(A. M. DHAVALÉ)
JUDGE

(S. V. GANGAPURWALA)
JUDGE