

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 6481 OF 2015

Teachers Heritage Organizing and
Coordinating Association, Solapur

.. Petitioner

Vs

The Education Officer (Secondary)
Solapur and others

.. Respondents

Mr.A.B.Tajane, for the Petitioner.

Mr.M.M.Pabale – Addl. Government Pleader, for Respondent No.3.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M.JAMDAR, J.***

Date : 9 July, 2019.

P.C. :

1. Counter affidavit has not been filed till date and thus we proceed to decide the Writ Petition without any traverse to the pleadings made.

2. The Petitioner is a society having principle object to look after the interest of teachers at the school level in the State of Maharashtra. Grievance in the Writ Petition concerns Government Resolution dated 2 May 2012 which puts an embargo on private

aided schools and schools run by local bodies not to recruit fresh teachers unless surplus teachers are absorbed. Challenge is also made to the G.R. dated 13 December 2013 as per which unless a proper student teacher ratio was fixed no further recruitment is to be made.

3. The rational for the first G.R. is that in government schools or government aided schools absorption of surplus teachers on closure of government school or a government aided school is mandated by the law. Thus, there can be no exception to the G.R. dated 2 May 2012. Similarly, since the government bears the financial brunt it is entitled to ensure that a proper student teacher ratio is maintained. Thus, there can be no exception even to the G.R. dated 13 December 2013.

4. But, in the year 2019 what is the current position? Learned counsel for the both parties have no information.

5. Surely, over the years absorption of surplus teachers would have been completed or the process would be nearing completion. Similarly, the data of students in the schools as also the data of teachers in the schools would have been collected.

6. Thus, we dispose of the Writ Petition directing the Deputy Director of Education State of Maharashtra to convey to the Petitioner the latest position regarding absorption of surplus staff and needless to state if all surplus staff has been adjusted embargo to

not make fresh appointments would be lifted by the Deputy Director of Education. Similarly, upon finalisation of the student teacher ratio analysis the number of teacher's posts in the schools would be finalised and informed to the Petitioner. The vacant posts would be permitted to be filled up by said Respondent. Needful shall be done within 12 weeks from today.

7. Pertaining to the issue raised in respect of sealed files relief prayed as per clause (d) in the Petition is granted for the reason the prayer is that the communication sent by Education Officer to the Deputy Director Education has not been considered by the Deputy Director of Education and no decision has been taken by the Deputy Director of Education. Needless to state that the Deputy Director of Education is bound to pass appropriate orders on the communication sent by the Education Officer.

8. Petition is disposed of.

N.M.JAMDAR, J.

CHIEF JUSTICE