

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

WRIT PETITION (STAMP) NO. 23569 OF 2016

Sou. Swati Subhash Pimple & Ors.

.. Petitioners

Vs.

Chief Executive Officer,
Zilla Parishad, Thane

.. Respondent

Mr. Amruta Devkar h/f Nitin Dalvi for the Petitioners.

Mr. M. G. Bagkar i/b Ajit Savagave for the Respondent.

CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.
DATE : 11th JUNE, 2019.

P. C. :

1. Heard learned Counsel for the parties.
2. Case pleaded by the Writ Petitioners is that they are teaching in schools established by the Zilla Parishad. They plead that as per Government Resolution dated 28.08.2015 students-teachers ratio has been prescribed. It is pleaded that based on the G.R. exercise was commenced to determine excess teachers in schools. As per Petitioners on 30.07.2016 order Annexure 'C' was issued declaring teachers surplus and requiring the surplus teachers to be absorbed elsewhere.

3. It is pleaded in the Petition that declaring surplus teachers and thereafter absorbing them would result in chaos.

4. Suffice it to state that the Petitioners are using the expression 'absorption and being declared surplus' as a misnomer. It would be a case of transfer of teachers found surplus in a school. The transfer would be in another school established by Zilla Parishad.

5. Issuing notice in the Writ Petition on August 25, 2016, it was noted that the issue of absorption had to be decided after hearing the Petitioners and thus it was directed that no order regarding absorption of the Petitioners would be passed pursuant to Exhibit 'C'.

6. It is apparent that the interim order took colour from the wrong expression used in the Writ Petition.

7. The position as of today is uncertain. Learned Counsel for the Respondent has no clue as how many teachers were declared surplus requiring them to be transferred in the schools where less teachers were posted.

8. Under the circumstances, we dispose of the Petition directing that the process of rationalization of the teachers keeping in view the number of students in a school with reference to students-teachers ratio shall be carried out by the Respondents. A criteria would be involved to

determine which teacher found in excess would be transferred in the Zilla Parishad schools. Necessary exercise be now carried out within three months from today.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]