

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3276/2017

Gajanan s/o Bisanji Vaidya

...Versus...

The Deputy Director of Education, Nagpur Division, Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.V. Thakre, Counsel for petitioner
Ms Ritu Kalia, AGP for respondent nos.1 and 2

**CORAM : R. K. DESHPANDE AND
MILIND N. JADHAV, JJ.**

DATE : 06/11/2019

1. The petitioner was a permanent employee working as a peon in the school recognized and governed by the provisions of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and the Rules framed thereunder. Upon declaration as surplus, he is required to be absorbed in the employment of some other school. Undisputedly, the school where the petitioner was working has been de-recognized and the entitlement of the petitioner for absorption is not disputed.

2. In view of the stand taken in paragraph no.6 of the affidavit dated 16/08/2019 of the respondent no.2, we direct

the respondents to include the name of the petitioner in the list of surplus staff required to be absorbed, maintained by the Education Department and to pay the petitioner his regular salary without work till he is absorbed in some other school.

3. We, therefore, direct the respondents to take appropriate steps and release the salary of the petitioner within a period of four weeks from today.

The writ petition stands disposed of accordingly.
No order as to costs.

(Milind N. Jadhav, J.)

(R.K. Deshpande, J.)