

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

PUBLIC INTEREST LITIGATION NO. 108/2018

(Court's on its own Motion vs. The State of Maharashtra and others)

AND

PUBLIC INTEREST LITIGATION NO. 109/2018

(Vijay s/o Mahesh Gupta vs. The State of Maharashtra and others)

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

Court's or Judge's order

.....
(PIL No. 108/2018)

Shri P.A. Jibhkate, *Amicus curiae*

Shri Niraj Patil, AGP for respondents 1 to 4

(PIL No. 109/ 2018)

Shri A.D. Bhate, Advocate for petitioner

Shri S.Y. Deopujari, Govt. Pleader for Res. Nos. 1, 2, 4, 5, 6 & 7

**CORAM : R.K. DESHPANDE &
VINAY JOSHI, JJ.**

DATED : 26th June, 2019.

The anxiety of this Court in entertaining these PILs was to see that the teaching and non-teaching employees rendered surplus should have attention on priority basis for absorption in aided schools, in terms of provisions of Section 5(1) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. In paragraph 7 of the affidavit dated 5th March 2019, it is stated as under :

“7. I say and submit that it is binding on the Government including Zilla Parishads and Municipal Corporations to scrupulously comply with the mandate of the provision under Section 5(1) of the MEPS Act, 1977 under which it is the first priority to absorb surplus teachers. I further say that, to control new appointments, the State of Maharashtra put a condition for appointment of fresh teaching and non-teaching staff that till 100% absorption of surplus teachers is done, as per the Section 5(1) of the MEPS Act, no new appointment shall be made. The Government Resolution to this effect was issued on 02.05.2012.”

We have gone through the entire affidavit of the Additional Chief Secretary and we find that serious and genuine efforts are being made to see that the surplus teaching and non-teaching employees are absorbed on priority basis. It is to attain this object, Government Resolution (GR) dated 02.05.2012 is issued and it is in force. Even the GR dated 23.06.2017 and 20.06.2018 have introduced a transparent recruitment procedure with the help of computerized online system

called 'PAVITRA' (Portal for Visible to All Teachers Recruitment) and pursuant thereto, every care is taken to see that the teaching and non-teaching employees are absorbed in priority basis before making fresh recruitment. Several difficulties are coming in the way and modalities are prescribed to overcome the same as far as possible. The guidelines have also been issued. If there is any deficiency or illegality in carrying out such procedure, an individual grievance can be raised by filing separate petition, pointing out specific instances.

In view of the above, we do not find any reason to continue with these PILs and the same stand disposed of after recording the aforesaid statements made in the affidavit on behalf of the State Government. Both the PILs are disposed of. We make it clear that if any individual grievance is made it shall be open for the petitioner to file separate petition.

JUDGE

JUDGE

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