

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13644 OF 2017

1. Dongergaon Shikshan Prasarak Mandel,]
Dongergaon, Taluka – Sangola, District-]
Solapur Through its President Shahaji]
Manikrao Babar, Age: 57 years, Occ. Agri.,]
A/P Dongergaon, Taluka- Sanglora,]
District – Solapur.]
2. Aruna Jaywant Jadhav] Petitioners
Versus
The State of Maharashtra and others.] Respondents

Mr. B.A. Lawate, for the Petitioners.

Ms. Kavita Solunke, A.G.P, for Respondents No.1 to 3-State.

Mr. N.V. Bandiwadekar i/b Sagar Mane, for Respondents No.4 and 5

CORAM: R.K. DESHPANDE &

PRITHVIRAJ K. CHAVAN, J.J.

DATE: 12th MARCH, 2020.

P.C:

Leaving aside the dispute as to *inter se* seniority between the petitioner and respondent No.5, respondent No.5 being a candidate appointed against the post reserved for Other

Backward Classes category is required to be protected in terms of Rule-27 (e) of The Maharashtra Employees of Private Schools (Conditions Of Service) Rules, 1981 while declaring the employees as surplus on account of abolition of the posts.

2. Hence, even assuming that respondent No.5 was junior to the petitioner and was required to be retrenched on the principle of last come first go, protection granted under Rule-27 (e) results in declaring the petitioner as surplus. No interference is called for. Writ Petition is dismissed.

[PRITHVIRAJ K. CHAVAN, J.]

[R. K. DESHPANDE, J.]