

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

WRIT PETITION NO. 1434 OF 2020

Smt. Bebinanda Ramkrushna Shirsat and others

vs.

Divisional Commissioner, Amravati and another

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

Court's or Judge's orders

Shri. R. D. Karode, counsel for petitioners.
Shri. K. S. Malokar, counsel for respondent No.2
Shri. K. L. Dharmadhikari, counsel for respondent No.1.

CORAM : MANISH PITALE J.

DATED : 13/03/2020

Heard learned counsel for the petitioners.

2. The grievance of the petitioners in this petition is that by the impugned order dated 20/01/2020, respondent No.1 – Divisional Commissioner, Amravati has rejected the appeal filed by the petitioners challenging the order passed by respondent No.2 on the question of declaration of the petitioners as surplus teachers.

3. Learned counsel for the petitioners has relied upon the order passed by this Court in Writ Petition No.868/2019 and connected petitions, wherein while considering the grievance raised by the petitioners, this Court has passed the following order :-

“3] The matter seems to be covered by the decision of this Court rendered on 14/12/2018 in Writ Petition No.5156 of 2018 and other connected matters. Hence, we dispose of this writ petition on the same terms and conditions as are incorporated in the order dated 14/12/2018, passed by this Court, which is reproduced below.

1] Rule made returnable forthwith.

Heard finally by consent of the learned counsels appearing for the parties.

2] Writ Petition No.5385 of 2018 was disposed of on 26/10/2018. Paragraphs 3 and 4 of the said decision are relevant, the same are, therefore, reproduced below.

3. Accordingly, if any vacancies are now available and the petitioners are willing to join at those places, the decision will have to be taken by the employer first.

4. We, therefore, direct the petitioners to make a representation pointing out vacancies at relevant places within a period of one week from today, if such representation is already not made. We direct the respondent – Chief Executive Officer to take a decision on such representation within a period of three weeks from the date of communication of this order to it”

3] The petitioners claim that all these writ petitions can be disposed of in terms of paragraph Nos.3 and 4 reproduced above.

4] Hence, Rule is made absolute in terms of paragraph Nos.3 and 4 reproduced above. No order as to costs.”

4. Since learned counsel appeared for respondent No.2 – Zilla Parishad and submitted that the said respondent is not having objection, if the present writ petition is allowed in aforesaid terms, the petitioners are

directed to make representation with regard to their grievance before the respondent No.2, within a period of two weeks from today.

5. If such representation is made, the Chief Executive Officer of respondent No.2 – Zilla Parishad shall take a decision on such representation, within a period of four weeks on receipt of such representation.

6. Writ petition is disposed of accordingly.

JUDGE