

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

WRIT PETITION NO.3094/2019

Ku. Pradnya Sahebrao Ambildige,
Age – 32 yrs, Occ.- Service,
R/o Bajoriya Layout, Hingana – Phata,
Kaulkhed Road, Akola,
Tq. And Dist. Akola.

.... **PETITIONER**

// VERSUS //

- 1) Deputy Director of Education,
Amravati Division, Tope Nagar,
Amravati, Tq. And Dist. Amravati.
- 2) Education Officer (Pri),
Zilla Parishad, Akola.
- 3) Baloudyan Primary School,
through its Head-Master, Rajkamal
Square, Amravati, Tq. And
Dist Amravati.

- 4) Vanita Samaj Education Society,
through its President/Secretary
C/o- Baloudyan Primary School,
Rajkamal Square, Amravati,
Tq. And Dist. Amravati.

.... **RESPONDENTS**

Shri P. S. Patil, Advocate for petitioner.

Shri A. M. Joshi, AGP for the respondent no.1

Shri D. A. Mohgaonkar, Advocate for respondent nos.3 & 4.

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.**

DATED : 02/11/2020

ORAL JUDGMENT : (Per : SUNIL B. SHUKRE, J.)

1. Heard. **Rule.** Rule made returnable forthwith.
2. Heard finally by consent of the learned counsel appearing for the parties.
3. The petitioners service as Assistant Teacher has been terminated and presently the petitioner finds herself in the list of surplus teachers, awaiting her absorption in appropriate school.
4. We find that in terms of rule 26 of The Maharashtra Employees of Private Schools (Conditions of Service) Regulation Rules, 1981 (for short M.E.P.S. Rules, 1981), basically the termination order could not have been served upon the petitioner until the order for absorption in another school, upon availability of the vacancy, was issued to her. It is the mandate of rule 26 of M.E.P.S. Rules, 1981. Be that as it may, now, the petitioner is seeking liberty to make a fresh representation to respondent no.1 for her absorption in the school situated within Amravati district, against any of the available vacancies, together with a demand for payment of salary from the date of termination till her absorption in the new school.

5. We are of the view that if the leave with liberty as prayed for by the petitioner is granted, it would suffice the purpose of this petition, and therefore, we partly allow the petition. Leave is granted to the petitioner to make a fresh representation to respondent no.1 for her absorption against available vacancy in any of the schools situated in Amravati district and also to stake her claim to the salary from the date of termination till her absorption, in accordance with rule 26 of M.E.P.S. Rules, 1981, within a period of one week from today and if such a representation is made, it shall be considered by respondent no.1 by sympathetically and decided in accordance with law within a period of two weeks from the date of receipt of the representation.

Rule accordingly. No costs.

(AVINASH G. GHAROTE, J)

(SUNIL B. SHUKRE J.)