

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

918 WRIT PETITION NO.13809 OF 2018

SHUBHANGI SHIVRAJ MARDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Panpatte V. S.
AGP for Respondents-State : Mr. S. B. Pulkundwar.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 07.09.2021

PER COURT :-

1. We have briefly heard the learned advocates for the respective sides. The request of the petitioner is that due to surplusage of teachers, she was moved out of her parent School, which is respondent No.5. At present, she is working at Pune. In this backdrop, she prays for being repatriated either to respondent No.4 or 5 - School, wherever, the post may be available.

2. Considering that there was a post available, this Court passed an order on 12.12.2018 directing respondent No.4 - School not to fill in the vacancy.

3. It is obvious that respondent No.2 - Education Officer (Secondary) has to consider such a request of the petitioner and the extraordinary jurisdiction of this Court is not to be exercised for considering such matters which fall within the domain of the Education Officer.

4. The learned advocate of the petitioner submits that the petition may be disposed off and the petitioner would make a proper representation to respondent No.2 so as to be decided before 31.12.2021. The ad-interim protection granted by this Court be continued until 31.12.2021 or till the date of the decision of respondent No.2, whichever is earlier.

5. The learned AGP representing the Education Officer (Secondary) submits that he would consider such a representation in accordance with (a) the policy of the Government, (b) the availability of posts, as well as (c) whether there are any senior candidates, who may be surplus and may have a right above the claim of the petitioner.

6. In view of the above, this petition is disposed off.

7. If the petitioner makes a representation to respondent No.2, on or before 30.09.2021, the same shall be considered in accordance with the policy of the State, the availability of the posts and the claims of any candidate or surplus candidate if found to be above the petitioner. A reasoned order on the said representation shall be passed by respondent No.2, on or before 31.12.2021.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-