

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 4499 OF 2018

Nitin S. Patil

... Petitioner

V/s.

State of Maharashtra through

School Education Department and Ors.

... Respondents

Mr. Vishal K. Jagwani for the Petitioner

Mr. N.C. Walimbe, AGP for the Respondent - State

***CORAM : NITIN JAMDAR &
C.V. BHADANG, JJ.***

DATE : 22 MARCH 2021

P.C. :-

The Petitioner has challenged the order passed by the Education Officer (Secondary), Zilla Parishad, Thane dated 1 February 2018, rejecting the proposal for approval of the Petitioner's appointment as an assistant teacher. The reason for rejection is the observation made in the decision of this Court (Aurangabad Bench) in Writ Petition No. 9076 of 2016, wherein the Division Bench has observed that priority should be given to absorb the surplus teachers. The Education Officer has observed that as on date of passing the

impugned order, there were still 32 teachers to be absorbed and therefore, no decision on the proposal can be taken till they are all absorbed. This order was passed on 1 February 2018. Both, the learned Counsel for the Petitioner and the learned AGP, are not aware of the present position whether all surplus teachers have been absorbed.

2. Considering the fact that the impugned order was passed on this ground three years ago, it would be appropriate if the Education Officer (Secondary) considers the position as on date and takes a decision in that regard. Since the impugned order was based on the position as of that date, it is not necessary to set aside the same.

3. Fresh decision be taken, after examining the position of surplus teachers, within a period of eight weeks from the date the order reaches the Education Officer.

4. The Writ Petition is disposed of.

C.V. BHADANG, J.

NITIN JAMDAR, J.

**Jyoti P.
Pawar**

Digitally signed
by Jyoti P. Pawar
Date:
2021.03.23
16:40:35 +0530