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

WRIT PETITION NO.1778/2020

1. Kuldipsing Harbhajansing,
Aged 45 Years, Occu- Service,
2. Nilesh Pancham Raut,
Aged 51 Years, Occu – Service,
3. Avinash Yadaorao Admane,
Aged 49 Years, Occu- Service,
4. Rahul Moreshwar Wahane,
Aged 34 Years, Occu – Service,
5. Akash Prabhakar Dhomne,
Aged 28 Years, Occu- Service,
6. Smt. Sangita Bhimrao Bhongade,
Aged 50 Years, Occu- Service,
7. Laxmikant Ashok Gumgaokar,
Aged 33 Years, Occu- Service,
8. Ravindra Satyaprakash Shambharkar,
Aged 51 Years, Occu- Service,
9. Kishor Prabhakarrao Gajalwar,
Aged 54 Years, Occu – Service,

All the petitioners are R/o
C/o. Kuldipsing Harbhajansing,
Plot No.303, Guru Tegbahadur Nagar,
Nari Road, Nagpur.

..... PETITIONERS

// VERSUS //

- 1) State of Maharashtra through
its Secretary, Department of
Education, Mantralaya, Mumbai – 32,

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- 2) Deputy Director of Education,
Nagpur Division, Nagpur.
 - 3) The Education Officer (Sec.),
Zilla Parishad, Nagpur.
 - 4) The Sikh Education society,
Bezanbag, Nagpur-4, through
its President, Shri S. Gurubux
Sing Lamba.
 - 5) Gurunanak High School and
Junior College, Bezanbag,
Nagpur, through its Principal
- **RESPONDENTS**

Shri P. N. Shende, Advocate for petitioners
Mis. H. N. Jaipurkar, AGP for respondents no.1 to 3.

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

DATED : 15/02/2021

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 pursis tendered to the Court today by the petitioners is
taken on record. In view of what is stated in the pursis dated
15.02.2021 marked as document 'A' for identification, the petition filed
by the petitioner nos.3, 8 and 9 stands dismissed, as withdrawn by them.

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4] The remaining petitioners have questioned the legality and correctness of the order dated 10.02.2020 whereby, their services have stood automatically terminated in view of closure of the school with effect from last day of the academic session of 2019-2020.

5] Shri. Shende, learned counsel for the remaining petitioners submits that some of the similarly situated employees have been absorbed in Dadasaheb Dhanavate Nagar Vidhayalaya and Junior College, Mahal, Nagpur. Some of the similarly employees were petitioners in these petitions i.e. petitioner nos.3, 8 and 9. Shri Shende, learned counsel points out that there were 75 more teachers who have been thus absorbed in the same school on the order passed by the Education Officer. However, in so far as 75 other teachers are concerned, no order of the Education Officer has been filed on record, but, there is an affidavit filed by the petitioners wherein the petitioners have stated that after closure of the school, respondent nos. 1 to 3 started the process of absorption of teaching staff and further by issuing absorption orders on 11.09.2020 in favour of the teaching staff, absorbed them in Dadasaheb Nagar Vidhayalaya, Mahal, Nagpur. It is also stated in the affidavit that in so far as remaining petitioners are concerned, no order of their absorption was passed because their petition was pending before this Court. In support of these averments, the petitioners have also annexed to the affidavit a copy of the order

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dated 11.09.2020 passed by the Education Officer (Secondary), Zilla Parishad, Nagpur, which states that the students, teachers and non-teaching staff all have been absorbed in Dadasaheb Dhanavathe Nagar Vidhayalaya and Junior College, Mahal, Nagpur run by Nagpur Shikshan Mandal, Mahal, Nagpur. The order passed on 11.09.2020 (page 36) is not disputed in any manner by the respondent nos.1 to 3. If this is so, we are of the view that this petition too can be disposed of in terms of the same order.

6] The petition is allowed in terms of the order dated 11.09.2020. This is without going into the merits of the matter.

Rule accordingly. No costs.

(AVINASH G. GHAROTE, J) (SUNIL B. SHUKRE J.)