

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

933 WRIT PETITION NO.7512 OF 2021

SYEDA HUMERA ANJUM AND OTHERS
VERSUS
MARATHWADA COLLEGE OF EDUCATION THROUGH ITS
PRINCIPAL AND OTHERS

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Mr. S.V. Dixit, Advocate for the petitioners.
Mr. P.S. Patil, A.G.P. for respondent – State.
Mr. P.S. Dighe, Advocate for respondent Nos.1 and 2.
Mr. K.M. Suryawanshi, Advocate for respondent No. 3.
Ms. Sayali S. Tekali, Advocate holding for
Mr. Nikhil Tekale, Advocate for respondent No. 4.

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CORAM : **RAVINDRA V. GHUGE AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 07-06-2022.

P.C. :

1. On 19th April, 2022 we had passed the following
order :

- “1. The learned Advocate representing respondent Nos. 1 and 2 has raised an objection as regards the maintainability of this petition since all these petitioners have been terminated. He further submits that these petitioners were offered contractual employment at such locations where the work can be made available on 'No Grant Basis'. However, petitioner Nos. 1 to 3 (teaching staff) have refused to accept such assignment.*
- 2. The learned Advocate for the petitioners submits that they have been terminated on account of the M.Ed Section of respondent College having been*

closed thereby rendering these petitioners surplus. They can be absorbed wherever vacancies are available with respondent No.1. The University has put a condition upon the first respondent to ensure that the teaching and non teaching staff of the M.Ed. Section should be absorbed in any other institution conducted by them.

3. *Mr.Dixit further submits that two employees from the non teaching category, who are junior to the petitioners falling in the non teaching category, have been absorbed by respondent No.1. Juniors could not have been offered absorption when seniors have been discharged from employment.*
4. *In view of the above, we call upon the learned Advocate representing respondent No.3 / University to take instructions as to whether these petitioners could be absorbed in any of the vacancies available with respondent No.2/ Organization at it's various colleges/institutions.*
5. *Stand over to 07.06.2022 in the "Urgent Admissions Category".*

2. The learned Advocate representing the University has placed before us a compilation of four pages alongwith the covering letter dated 03-06-2022 which are collectively marked as 'X-1' for identification. Based on X-1, he submits that there are vacancies on which these petitioners can be absorbed and this exercise is to be completed by the Joint Director, Higher Education, respondent No. 5 herein.

3. We have considered the submissions of the learned Advocates for the petitioners and on behalf of the Education

Trust as well as the learned A.G.P. It would be respondent No.5 who would be the Competent Authority to take a decision on the claims for absorption put-forth by the petitioners, after hearing all the parties. There is no dispute that these petitioners were permanent employees, and as such, would be eligible to be absorbed on vacant aided posts.

4. In view of the above, this petition is disposed off with the following directions :

- (a) The petitioners shall tender a detailed representation to respondent No.5 alongwith copies being served upon respondent Nos. 1, 2, 3 and 4, simultaneously.
- (b) Respondent No.5 shall issue notices to all the concerned parties which are required to be heard on the representation made by the petitioners.
- (c) After taking into account the respective stands of the parties before him, respondent No.5 would issue a reasoned order, as expeditiously as possible and preferably on or before 30th July 2022.
- (d) Needless to state, respondent No.5 would decide as to whether these petitioners can be absorbed. In the event of an adverse order, respondent No.5 would assign reasons.

- (e) In the event the petitioners' grievance is not redressed in the light of the above, they are at liberty to avail of a remedy as is permissible in law.

(SANDIPKUMAR C. MORE, J.)

(RAVINDRA V. GHUGE, J.)