

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 WRIT PETITION NO.12812 OF 2019

JADHAV DATTATRAYA GOVINDRAO
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mrs. Ansari A.N.
AGP for the respondent – State : Mr. A.S. Shinde
Advocate for the respondent no. 3 : Mr. Vithal P. Kadam
Advocate for respondent no. 4 : Mr. C.D. Birajdar
...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 26 AUGUST 2022

ORAL ORDER (SANDEEP V. MARNE, J.) :

Respondent no. 3 – management was running two schools, viz., Dr. Babasaheb Ambedkar Vidyalaya, Udgir and Sanskar Vardhini High School, Shirol.

2. The petitioner was initially working in Sanskar Vardhini High School, Shirol since 15-07-1988 and came to be transferred to Dr. Babasaheb Ambedkar Vidyalaya, Udgir in the year 2004. Dr. Babasaheb Ambedkar Vidyayala, Udgir came to be de-recognized and the petitioner was directed to be absorbed in the other school i.e. Sanskar Vardhini High School, Shirol. However, the Headmaster of Sanskar Vardhini High School was not permitting her to join on account of which several directions have been issued by the Education Officer.

3. Today, both the learned AGP as well as learned counsel appearing for respondent no. 4 make a statement that one post of Assistant Teacher is lying vacant in respondent no. 4 – school. The vacant post is of the subject History whereas petitioner is Mathematics teacher. However, we feel that it is necessary that the petitioner joins as she is retiring on 30 September 2022. We, therefore, direct respondent no. 4 to permit the petitioner to join respondent no. 4 – school against the available vacancy forthwith.

4. So far as the intervening period is concerned, the management is directed to send a proposal to the Education Officer which will be decided within a period of four weeks from today. The same shall not be rejected only on the ground that petitioner has joined on post meant for a different subject.

5. With these directions, the petition is disposed of.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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