

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1327 OF 2018

Smt. Sulochana Devaram Mene ...Petitioner

V/s.

Administrative Officer, Municipal

School Board Junnar & Ors. ...Respondents

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Mr. Shirish V. Pitre, for the Petitioner.

Mr. T. D. Deshmukh, for the Respondent No.1.

Mrs. S. S. Bhende, A.G.P. for the Respondent-State.

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CORAM : A. S. CHANDURKAR AND  
G. A. SANAP, JJ.

DATE : 26 April 2022

P.C.

. Rule. Rule made returnable forthwith. Heard finally by  
consent of the parties.

2. The petitioner was appointed as an Assistant Teacher in a  
Government Ashram School on 18 September 1993. On 16 June

1999, the services of the petitioner were transferred to the Municipal School Board Junnar, where her husband was serving. On 23 February 2015, the Administrative Officer declared the petitioner to be a Surplus Teacher. The petitioner's services were thereafter absorbed in a Municipal school at Talegaon Dabade. Since there was vacancy in the school where the petitioner was initially serving at Junnar, she made various representations seeking her absorption at the said school. On 14 December 2017, the Deputy Director of Education, informed the Administrative Officer that the services of the petitioner cannot be absorbed in the parent school at Junnar. Being aggrieved, the petitioner has challenged the said communication by relying upon Government Resolution dated 04<sup>th</sup> October, 2017.

3. During pendency of the writ petition, the Grievance Redressal Committee constituted by the Deputy Director of Education, conducted hearing and on 1 February 2021, it was noted by the Committee that subject to availability of a post in the Scheduled Tribe category, the services of the petitioner could

be absorbed at her parent school, Anjnavale, Taluka Junnar, District Pune. Pursuant thereto, the Administrative Officer, Municipal Council Education Board, Junnar on 30 August 2021, informed the Deputy Director of Education that after verifying the roster position, the services of the petitioner could be absorbed.

4. In the aforesaid backdrop, on 20 April 2022, the learned counsel for the respondent No.1 was directed to obtain instructions as regards the availability of any vacancy at the respondent No.1 school. Today, the learned counsel for the respondent No.1, on instructions, states that one post of Assistant Teacher is vacant at the Ashram School, Anjnavale, Taluka Junnar, District Pune. The learned counsel, however submits that the roster position is yet to be verified by the concerned authorities. It is however not clear as to when the roster position would be verified.

5. Considering the fact that the petitioner who belongs to the Scheduled Tribe Category, is to retire within a short period and as there is a post of Assistant Teacher vacant, at the Ashram School, Anjnavale, Taluka Junnar, District Pune, where her husband is serving, the writ petition is disposed of by directing the respondent No.1 to repatriate the services of the petitioner at her original school which is the Ashram School, Anjnavale, Taluka Junnar, District Pune, within a period of 15 days from today. All necessary steps in that regard be taken by the respondent Nos.1 and 2. With these directions, the writ petition is allowed and disposed of. Rule accordingly. No costs. Parties to act on the authenticated copy of the order.

(G. A. SANAP, J.)

(A. S. CHANDURKAR, J.)