

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

WRIT PETITION NO.2159 OF 2022

Borkar Hinduram Sukhdeo & Ors. Petitioners

Vs.

The State of Maharashtra & Ors. Respondents

Mr. Y. B. Lengare for the Petitioners.

Mrs. P. J. Gavhane, AGP for Respondent Nos.1 to 4-State.

**CORAM: S. B. SHUKRE &
G. A. SANAP, JJ.**

DATED : 11 APRIL 2022.

P. C.

Heard.

2. The grievance of the petitioners as informed by learned counsel for the petitioners is that though each of the petitioners have been declared to be surplus, and though enough vacancies have arisen to absorb each and every petitioner numbering 13, Respondent No.4 has not absorbed each and every petitioner in the vacancy that have arisen.

3. Learned counsel for the petitioners submits that the petitioners had earlier approached the Education Officer with their

grievance, but same was not considered properly by the Education Officer-Respondent No.3. In support of this submission, learned counsel for the petitioners has invited our attention firstly to the representation dated 6/12/2021 and secondly to the representation dated 30/3/2021.

4. On going through the representation dated 6/12/2021 we find that it was the representation wherein some different grievance not relating to absorption of the petitioners in the vacant position of teachers has been made. The representation dated 30/3/2021 has been filed not by 13 teachers but by 25 teachers and it makes a vague allegation that some signatories to the representation have been declared surplus and only three of them have been absorbed in vacant positions while remaining have not been absorbed. Since the facts of each of the case of each of the petitioners are different, separate representations by these 13 petitioners were required to be made and since that has not been done and what ever has been made by them being vague, could not have been considered by respondent No.3. For these reasons, we find that the grievance of the petitioners insofar as it pertains to aforesaid representations is without any substance.

5. Now, learned counsel for the petitioners has invited our attention to the representations dated 20/12/2021 and 14/1/2020. Representations dated 13/12/2019 and 20/12/2021 commonly made by 11 teachers and not by 13 teachers. All these 11 teachers are party petitioners before this court. However, it appears that two of the petitioners have not made any

representation so far. Learned counsel for the petitioners has placed reliance upon representation dated 14/1/2020 filed by all the petitioners separately, but this representation seeks some thing different from the Education Officer. The representation takes exception to the declaration of the petitioners as surplus teachers without following seniority list and it prays for not granting approval to the newly recruited teachers unless the issue of illegal declaration of teachers as surplus was decided by the Education officer. Today, as submitted by learned counsel, grievance is about inaction on the part of the management in absorbing the petitioners already declared surplus on available vacancies. From the above discussion it appears that the petitioners have failed to articulate their grievance properly and if petitioners seek redressal of their grievances, it would be necessary for the petitioners to make separate applications to the Education Officer clearly specifying their grievances.

6. In view of the above, we find that the petition in the present form is not maintainable. The petition is dismissed. Liberty is granted to the petitioners to file separate applications to the Education Officer (Secondary) for redressal of their grievances. Same shall be considered and decided in accordance with law if filed, and preferably within 12 weeks from the date of receipt of the representations.

(G. A. SANAP, J.)

(S. B. SHUKRE, J.)