

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6670 OF 2021

Nilesh Dattaram Chavan

... Petitioner.

V/s.

The State of Maharashtra, through the
Secretary, School Education & Sports
Department & Others

... Respondents.

Mr. Satyajeet A. Rajeshirke, for the Petitioner.

Mrs. P.J. Gavhane, AGP, for the Respondents-State.

**CORAM : NITIN JAMDAR AND
AMIT BORKAR, JJ.**

**DATE : 12 JANUARY 2022.
(Through Video Conferencing)**

P.C. :

Heard learned Counsel for the parties.

2. The Petitioner is aggrieved by the order dated 23 September 2021 issued by Respondent No. 3 – Education Officer (Secondary), Zilla Parishad, Ratnagiri declaring the Petitioner surplus.

3. The Petitioner is currently working in the Respondent No. 5 – school of Respondent No. 4 – institution. The Petitioner was appointed on the post of Junior Clerk on 27 December 2007 and

thereafter according to the Petitioner he was promoted to the post of Senior Clerk on 27 December 2009. According to the Petitioner, the Petitioner's appointment was approved. By the impugned order, which is not an order, but a chart, the Petitioner is shown as surplus. It is not discernible as to on what ground the Petitioner is declared surplus. It is also the grievance of the Petitioner that he is not made aware of this.

4. The representations made by the Petitioner and the Respondent – institution to the Education Officer have not been decided. According to the Petitioner, there are vacant posts in the same school. Since there is no reason on record, it is not possible for us to adjudicate the issues at the first instance. We direct the Respondent No. 3 to decide the representations made by the Petitioner and the Respondent – institution, copies of which are annexed to this petition, within a period of six weeks and communicate the outcome to the Petitioner.

5. The Writ Petition is accordingly disposed of.

(AMIT BORKAR, J.)

(NITIN JAMDAR, J.)