

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO. 336 OF 2022

Anil s/o Dodaji Satpute, Wardha

-- Petitioner/s

Vs.

State of Maharashtra & Ors.

-- Respondent/s

Mr. R.R. Dhawad, Advocate for the Petitioners.

Mrs. M.H. Deshmukh, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : NITIN JAMDAR &
ANIL L. PANSARE, JJ.**

DATE : 18 FEBRUARY 2022

P. C. :

Heard learned Counsel for the parties.

2. The Petitioner is aggrieved by the communication dated 10 January 2022 issued by the Joint Director of Education, Nagpur addressed to Respondent No.3, wherein the Petitioner has been declared as surplus from the post of 'Library Attendant' in the educational institution conducted by Respondent No.3.

3. The learned Counsel for the Petitioner has sought to contend that the impugned order proceeds on a wrong factual premise and the strength of the students have not fallen below the required number. The learned Counsel submits that the record

available with Respondent No.3 would show that the number of students were available at the relevant time as per the Government Resolution dated 26 August 1999.

4. This submission of the Petitioner will require factual adjudication after examining the records of the School. If the Petitioner is correct that the factual errors have been committed by the Joint Director, the appropriate course of action would be to call upon the Joint Director to consider the grievance of the Petitioner, carry out the factual adjudication and decide whether the same is correct and whether the impugned order is still warranted.

5. The learned Assistant Government Pleader states that the petition itself will be placed before the Joint Director.

6. The Joint Director will consider the averments made by the Petitioner, more particularly, the factual assertions, call for the record and decide whether the order dated 10 January 2022 needs to be maintained or recalled. The decision thereupon be communicated to Respondent No.3 with a copy to the Petitioner within a period of six weeks, subject to the earlier urgent public duty commitments of the Director.

7. The Writ Petition is accordingly disposed of.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]

Digitally signed by SUMIT CHETAN
ACRAWAL
Signing Date 22.02.2022 17:25