

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.7386/2019

Smt. Sangita Sureshrao Chopde

Vs.

Deputy Director of Education, Nagpur Division, Nagpur and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.N.Shende, Advocate for petitioner.

Ms N.P.Mehta, Assistant Government Pleader for respondent nos.1 and 2.

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

DATE :- FEBRUARY 25, 2022.

Considering the short issue involved and the nature directions proposed to be issued, it is not necessary to serve the respondent no.3.

The petitioner is working as an 'Assistant Teacher' at the respondent no.3-School. She claims to possess qualifications of B.A. B.Ed. and is thus trained graduate teacher. On 24.11.2018 the petitioner was declared as surplus teacher and her name included in the list of surplus teachers. This was challenged by the petitioner by filing Writ Petition No.50/2019. It is submitted that in view of subsequent communication issued by the Management that the petitioner is not rendered surplus, that writ petition has been disposed of.

The grievance raised in this writ petition is the non-adjudication of the representation made by the petitioner to include her name in the seniority list in Category C from the initial date of appointment. Such representation as made is dated 05.12.2018.

We find that it is the duty of the Management to first prepare a seniority list indicating the placement of the staff on its roll. After such seniority list is prepared, it is open for a staff member who is not satisfied with such list, to raise protest thereon. According to the petitioner, this has

been done with regard to the seniority list published on 30.04.2018. It is in this backdrop that the representation dated 05.12.2018 has been made.

We find that the Education Officer (Secondary) can consider the grievances of the petitioner as made in the representation and take a decision thereon.

Considering the fact that the period of two more than years has lapsed since the submission of that representation, liberty is granted to the petitioner to move fresh representation giving all relevant details. If such representation is made by the petitioner before the Education Officer (Secondary) within a period of two weeks from today, the same shall be considered by the Education Officer (Secondary) in accordance with law. The Management shall also be granted an opportunity in that process. It is expected that within a period of six weeks from the date of such representation, an appropriate decision would be taken by the Education Officer (Secondary) on its own merit. The decision taken by the Education Officer (Secondary) be communicated to the parties.

With these directions, the writ petition is disposed of. No costs.

(G.A.SANAP, J.)

(A.S.CHANDURKAR, J.)

Andurkar..