

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 10370 OF 2022
WITH CIVIL APPLICATION NO.560 OF 2023**

**NUTAN MARATHI PRIMARY SCHOOL AHMEDPUR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
WRIT PETITION NO. 11758 OF 2022**

**SANJEEV PANDHARINATH KOTLAPURE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
WRIT PETITION NO. 12213 OF 2022**

**SHRIRAM GOVINDRAO PUTTHEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. K. P. Rodge, Mr. S. N. Rodge, Advocates for Petitioners
Mr. P. S. Patil, AGP for Respondent – State
Mr. V. C. Patil, Advocate h/f Mr. U. B. Bondar, Advocate for
Respondent No.2
Mr. G. J. Kore, Advocate h/f Mr. Dattatray D. Sarwade, Advocate
for Respondent Nos. 3 and 4

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 04.09.2023

PER COURT :-

1. The second and the third Petition is filed by the individual Petitioners who have been declared as surplus. The Education Officer had directed their absorption in particular schools. Those school managements did not permit these Petitioners to report for duties. Hence, they returned back to the Education Officer. He, then directed that until the Petitioners are absorbed at a place where there is a vacancy, depending upon their seniority and qualification/eligibility, the Head Master of the earlier school where they were working and from where they were declared surplus, shall forward their salary bills. It is nowhere mentioned in such orders that the management will have to pay the salary of the surplus teachers. The Education officer has merely directed the management to send their bills through the Head Master and the same were to be cleared.

2. As the management did not forward the bills, these Petitioners are before us. Prior thereto, the management preferred the first Petition and sought quashing of the order of the Education Officer directing the Head Master to send the bills.

3. The learned Advocate for the management submits on instructions that the management is agreeable to send the bills of the salaries for the period they are unpaid, in relation to the Petitioners. The impugned order of the Education Officer indicates that the bills along with allowances are to be submitted by the school so as to be cleared for making the payment to these Petitioners.

4. In view of the above, **Writ Petition Nos. 11758 of 2022 and 12213 of 2022 are disposed off** as the management has made a statement that it would send the bills for the arrears of salary to the Education Officer. Let this be done within twenty one [21] days. After the bills are received, the Education Officer would follow the law as may be applicable and take a decision on the said bills.

5. **Writ Petition No. 10370 of 2022** preferred by the management, therefore, does not survive and stands **disposed off**.

6. **All pending Civil Applications**, if any, do not survive and stand **disposed off**.

7. Needless to state, in the event any vacancy arises in the school from which these Petitioners were declared surplus, or in any other school and the Petitioners are entitled as per their seniority and eligibility, the Education Officer would pass an appropriate order directing absorption of such teacher in the light of his/her seniority.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

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