

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

WRIT PETITION NO. 6351 OF 2019

Aarti Khushalrao Dhage,
aged about 30 years,
R/o Plot No.B/12,
Cosmopolitan Society,
Somalwada, Wardha Road,
Nagpur 440024

... Petitioner

-vs-

1. The State of Maharashtra,
Through its Secretary,
School Education & Sports Department,
Mantralaya, Mumbai 400 032
2. The Director of School Education,
State of Maharashtra, Pune,
3. The Education Officer (Secondary),
Zilla Parishad, Nagpur
4. Mahadula Village Development Scheme
Through its Secretary, Mahadula,
Koradi, Tahsil Kamptee,
District Nagpur
5. Sewanand Vidyalaya, Mahadula,
Through its Head-Master, Mahadula,
Tahsil Kamptee, District Nagpur

... Respondents

Shri A. Z. Jibhkate, Advocate for petitioner.
Shri A. A. Madiwale, Assistant Government Pleader for respondent Nos.1 to 3.
Ms Aarti Singh, Advocate for respondent No.5.

CORAM : SUNIL B. SHUKRE AND MRS VRUSHALI V. JOSHI JJ.

DATE : February 07, 2023

Oral Judgment (Per : Sunil B. Shukre, J.)

Heard.

Rule. Rule made returnable forthwith and heard finally by consent of

the parties present before the Court.

The Government Resolution dated 27/06/20216 is very clear and it grants benefit of absorption and continuity in service to those Shikshan Sevaks who had completed three years of service and thereafter have been declared surplus. These conditions are fulfilled by the petitioner as the petitioner was appointed on 06/09/2012 and was declared surplus after 15/12/2015. Therefore, the Education Officer (Secondary) could not have deprived the petitioner of the benefit of the Government Resolution dated 27/06/2016 on the specious ground that the petitioner had not completed three years of probation period before she was declared surplus. The impugned order is therefore bad in law and deserves to be quashed and set aside.

2. Accordingly the following order is passed :

- (i) The writ petition is allowed.
- (ii) The impugned order dated 30/11/2022 is hereby quashed and set aside.
- (iii) The respondent No.3-Education Officer (Secondary), Zilla Parishad, Nagpur is directed to grant benefit of Government Resolution dated 27/06/2016 to the petitioner forthwith by granting approval to her appointment and absorbing her suitably while giving her benefit of continuity in service.
- (iv) Rule is made absolute in aforesaid terms with no order as to costs.

(Mrs Vrushali V. Joshi, J.)

(Sunil. B. Shukre, J.)