

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

WRIT PETITION NO. 162 OF 2020

- 1) Rajendra Namdeorao Alam,
Aged 41 years, Occupation – Service,
- 2) Surekha Waman Kodape,
Aged 30 years, Occupation – Service,

Both the Petitioners are R/o C/o.
Yeshwant Vidyalaya & Jr. College,
Chora, Tahsil – Bhadrawati, District-
Chandrapur.

.... **PETITIONERS**

VERSUS

- 1) The Education Officer (Secondary),
Zilla Parishad, Chandrapur.
- 2) Bhadrawati Shikshan Sanstha,
Bhadrawati, District – Chandrapur,
through its Secretary.
- 3) Yeshwant Vidyalaya & Jr. College,
Chora, Tahsil – Bhadrawati,
District – Chandrapur, through its
Headmaster.

.... **RESPONDENTS**

Mr. P.N. Shende, Counsel for the petitioners,
Mr. M.K. Pathan, AGP for respondent 1.

CORAM : ROHIT B. DEO & MRS. VRUSHALI V. JOSHI, JJ.
DATED : 3rd MARCH, 2023

ORAL JUDGMENT : (PER : R.B. DEO, J.)

Heard. **Rule.** Rule made returnable forthwith with consent of the parties.

2. We passed the following order on 17-2-2023.

“Prima facie, it appears that the decision is not rendered after considering issues flag-marked by the High Court in its earlier order dated 11-01-2017.

2. We request learned Assistant Government Pleader, Mr. Pathan, to examine the matter from that perspective and address us on the next date of hearing.

3. Stand over to 03-03-2023.”

3. The learned Assistant Government Pleader Mr. M.K. Pathan fairly submits that the Education Officer (Secondary), Zilla Parishad, Chandrapur has not addressed the issues formulated in paragraph 7 of the judgment dated 11-1-2017 in Writ Petition 6924/2014.

4. We extract paragraph 7 of the aforesaid order.

“7. In this situation, when reinstatement was ordered, the staff justification in force on 05-8-2009 ought to have been considered.”

5. In this view of the matter, we find it appropriate to quash the order impugned and remit the matter to the Education Officer

(Secondary), Zilla Parishad, Chandrapur to hear the petitioners and pass an appropriate reasoned order considering the issues raised in paragraph 7 of the earlier order dated 11-1-2017. The decision shall be taken within six weeks.

6. The petition is disposed of in the afore-stated terms.

(Mrs. Vrushali V. Joshi, J.)

(Rohit B. Deo, J.)

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