



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO.6060 OF 2017

SUNITA VALJINATH KENDRE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. K.D. Bade Patil, Advocate for petitioner

Mr. N.S. Tekale, AGP for respondent Nos.1 and 3

Mr. N.L. Jadhav, Advocate for respondent No.2

...

WITH

CIVIL APPLICATION NO.442 OF 2024
IN WP/6060/2017

...

CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.

DATE : 28th FEBRUARY, 2024

ORDER :

1 After hearing the parties, what is emerging is that the petitioner has approached the appellate authority with a representation/objection and the same is pending for adjudication. Learned AGP also submits that in view of the order of *status quo* passed by this Court, the authority is not deciding

the said representation and it is still pending with the Education Officer. In other words, in view of the *status quo* order passed by this Court, the decision on the objection was deferred by Education Officer (Secondary), Zilla Parishad, Beed. In the affidavit-in-reply it is stated that the authority would decide the objections as directed.

2 By way of civil application filed by the Management i.e. Civil Application No.442 of 2024 it has been brought to the notice of this Court that again by order dated 14.12.2023 name of the petitioner is displayed in the list to be declared surplus. It appears that dates were given for the hearing. Under the said circumstance, it is necessary that the Education Officer should decide the objection taken.

3 Though the present Writ Petition has been filed for quashing and setting aside letter dated 17.04.2017 declaring the petitioner as surplus Assistant Teacher by respondent No.2, the learned Advocate for the petitioner accepts the position that the petitioner has raised the objection as per the procedure in view of the said letter dated 17.04.2017. Under the said circumstance, now the learned Advocate for the petitioner seeks withdrawal of the writ petition and prays liberty to pursue the objection/representation that has been made by the petitioner before the appropriate authority i.e. Education Officer (Secondary), Zilla Parishad, Beed. In view of all these

events, the writ petition stands disposed of by issuing following directions.

ORDER

1 The writ petition is allowed to be withdrawn with liberty to the petitioner to pursue the representation/objection to the letter dated 17.04.2017 declaring her as surplus teacher by respondent No.2 and liberty is also given to her to raise any objection to any further declaration by respondent No.2.

2 The petitioner to remain present before the Education Officer (Secondary), Zilla Parishad, Beed on 08.03.2024, together with her written say, objection and the documents to support her contention. Thereupon the Education officer (Secondary), Zilla Parishad, Beed may proceed to decide the already pending objection dated 02.05.2017 and the subsequent objection, if any, by giving opportunity to all the relevant parties. The decision be taken on the objection within a period of two months starting from 08.03.2024, subject to petitioner submitting all those documents on that day.

3 The decision taken should be informed by the Education Officer (Secondary), Zilla Parishad, Beed to all the parties concerned.

4 Till the decision taken and communicated to the concerned parties, *status quo* as on today and granted earlier by this Court to continue.

5 Civil Application No.442 of 2024 stands disposed of.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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