



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

**WRIT PETITION NO. 4514 OF 2024**

1. Mohd Yousufuddin S/o Mohd Salhauddin  
Age : 53 yrs. Occu.: Asst. Teacher in Noorjahan  
Urdu Primary School, Naigaon, At present Nil,  
R/o. Ganimpura, Nanded,  
Tq. and Dist. Nanded.

2. Ayesha Begum D/o Syed Maheboob  
Age : 54 years, Occu: Asst. Teacher in Noorjahan  
Urdu Primary School, Naigaon, At present Nil,  
R/o. Naigaon (B),  
Tq. Naigaon, Dist. Nanded.

...Petitioners.

**VERSUS**

1. The State Of Maharashtra  
School Education and Sports Department,  
Mantralaya, Mumbai.

2. The Director of Education  
Maharashtra State, Pune,  
Central Building, Dr. Annie Besant Road, Pune.

3. The Dy. Director of Education,  
Latur Division, Latur,  
Tq. and Dist. Latur.

4. The Education Officer (Primary),  
Zilla Parishad, Nanded.  
Tq. and Dist. Nanded.

5. Dr. Zakir Hussain Shikshan Prasarak Mandal,  
CIDCO, New Nanded,  
Tq. and Dist. Nanded.  
Through its Vice President/Secretary.

...Respondents.

...

Advocate for the Petitioners : Mr. Syed Masood Chand

AGP for Respondents/State : Mr. S.P. Joshi

Advocate for Respondent No.4 : Mr. S. B. Pulkundwar

...

**CORAM : S. G. MEHARE AND  
SHAILESH P. BRAHME, JJ.**

**DATE : 09<sup>th</sup> DECEMBER 2024**

**ORAL JUDGMENT :**

. Rule. Rule made returnable forthwith. Heard the learned Counsel for the petitioners, learned AGP and the learned Counsel for respondent no.4.

2. This Court in Writ Petition No.15374/2019 from the same institution has dealt with the identical issue. Considering the facts of the case, this Court held that the petitioner is entitled for absorption as per provisions of The Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and Rules, 1981 and directed the respondent no.4 to implead the name of the petitioner in the list of the surplus teachers. The issue which has been raised before the Court, has been covered by the judgment mentioned above. Therefore we adopt the same reasons and pass following order :

**ORDER**

i. The impugned communications dated 26.09.2018 and 12.05.2019 are quashed and set aside.

- ii. Respondent No.4 to declare the petitioners entitled to absorption as per provisions of The Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and Rules, 1981 and include their names in the list of surplus teachers.
- iii. The benefits as per the provisions of Rule 25-A of M.E.P.S. Rules, 1981 be given after due inquiry regarding the date of entitlement.
- iv. Rule is made absolute in the above terms.

[ SHAILESH P. BRAHME, J.]

[ S. G. MEHARE, J.]

*Najeeb..*