



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

WRIT PETITION NO. 7241 OF 2024

Rahul Bajirao Chaudhari

Age : 38 years, Occu: Assistant Teacher

(i.e. Art & Drawing Teacher),

Aadhar No.664876245512,

r/o: Swami Niwas, Plot No.53,

Tukaram Nagar, Bhusawal,

Tq.: Bhusawal, Dist. : Jalgaon.

...Petitioner.

Versus

1. The State Of Maharashtra
Through Its Principal Secretary
School Education Department,
Mantralaya, Mumbai.
2. The Commissioner (Education),
Maharashtra State, Pune – 1.
3. The Director of Education
(Secondary and Higher Secondary),
Maharashtra State, Pune-1.
4. Deputy Director of Education,
Nashik Division, Nashik.
5. The Education Officer (Secondary),
Zilla Parishad, Jalgaon.
6. Hindi Seva Mandal,
Shivajinagar, Bhusawal,
Tq.: Bhusawal, Dist.: Jalgaon,
Through its Chairman.
7. Shri. Sant Gadge Maharaj Hindi High School,
Bhusawal, Tq.: Bhusawal, Dist. Jalgaon,
Through its Head Master.

...Respondents

...

Advocate for Petitioner : Mr. Panpatte V. S.
AGP for Respondents/State : Mr. K.N. Lokhande

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 15 JULY 2024

PER COURT :

. Heard.

2. The petitioner is coming with following prayers :

“A. Rule may kindly be issued ;

B. It may kindly be held and declared that the petitioner does not become surplus from the post of Art Teacher in the respondent no.7-school.

C. By a writ of mandamus or any other appropriate writ or direction in the like nature, the respondent nos. 2 to 5 may kindly be directed to command the respondent nos. 6 and 7 not to declare the petitioner surplus in the respondent no.7-school on the ground of his so called surplusage and not to relieve the petitioner from his post of Art Teacher and further the respondent no.6 and 7 may kindly be directed to that effect;

D. Pending hearing and final disposal of this writ petition, the respondent nos. 6 and 7 may kindly be restrained by an order of injunction from declaring the petitioner surplus on the post of Art Teacher in the respondent no.7-School and not to relieve him on the ground of his so called surplusage ;

E. Any other appropriate relief to which the petitioner is found entitled, be granted.”

3. The petitioner who has been serving as an Art Teacher, is seeking a writ of mandamus against the respondent no.7/Head Master of the school. The learned advocate for the petitioner submits that in accordance with the policy an Art Teacher cannot be rendered surplus still the Head Master has been expressly writing communication to him declaring that he would be rendered surplus.

4. In our considered view, if the Head Master is not the authority who can declare an employee to be surplus or otherwise, particularly when he has also not taken any decision or passed any order, mere apprehension of the petitioner based on couple of communications received from the Head Master, would not give rise to any cause of action.

5. The petition is premature and it is dismissed.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..