



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

WRIT PETITION NO. 14848 OF 2019

KISHOR BHASKARRAO YADAV  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for the Petitioner : Mr. S. R. Barlinge  
AGP for Respondents No.1 and 2 : Mr. S. R. Yadav Lonikar  
Advocate for Respondent No.3 : Mr. Mr. Dattatray H. Jadhavar  
...

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

**DATE : 26-11-2024**

**PER COURT:-**

1. Heard both sides finally.
2. The petitioner is seeking a direction to absorb him as he was declared surplus for there being reduction in divisions. It is the further contention of the petitioner that the Headmaster made a representation to respondent No.2 – Education Officer (Secondary), Zilla Parishad, Osmanabad.
3. The learned A.G.P. submits that the petitioner is not entitled to claim any absorption as he was rendering services in an unaided division though his appointment was approved. He relies on affidavit-in-reply and further correspondence dated 18.03.2020 received from the management. It reveals that the proposal/

representation made by respondent No.3/ Management to respondent No.2 on 10.07.2018, has not been considered by its officer on its merits.

4. Respondent No.2- Education Officer would be at liberty to take any decision on merit considering relevant rules, regulation, policy as well as the factual situation.

5. The learned counsel for the petitioner has informed that there are four vacant posts available in the same school. It would be open for respondent No.2 - Education Officer, to consider entire aspects of the matter and decide proposal/representation on its merits.

6. The writ petition is disposed of with a direction to respondent No.2 - Education Officer to decide the proposal/representation on its merits within three months from today, after conducting due enquiry and consolidating the relevant information.

**[ SHAILESH P. BRAHME ]**  
**JUDGE**

**[ S. G. MEHARE ]**  
**JUDGE**