



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

CIVIL APPLICATION NO.1950 OF 2024

IN

WRIT PETITION NO. 673 OF 2024

(Vijay s/o Jagobaji Jinde ..vs.. State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.K. Bhoyar, Counsel for the petitioner,
Mr. S.M. Ghodeswar, AGP for respondent Nos.1 and 2,
Mr. V.K. Paliwal, Counsel for respondent No.3.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 29-08-2024

Heard Mr. S.K. Bhoyar, learned Counsel appearing
for the petitioner.

2. In the application, the prayer of the petitioner is to
recall the order dated 08-7-2024 as same was passed
without hearing the counsel for the petitioner.

3. Mr. S.K. Bhoyar, learned Counsel would invite our
attention to the factual matrix of the petition on merits
stating that respondent No.3 never recommended
candidature of the petitioner to be declared surplus while
the petitioner was discharging duties in the High School. It
is claimed by Mr. S.K. Bhoyar that once there is no
recommendation by the management, the powers are not
vested with the Education Officer to declare the services of
the petitioner surplus.

4. As against above, Mr. V.K. Paliwal, learned Counsel appearing for respondent No.3 would urge that there is no vacancy with respondent No.3 in the High School, and as and when in future the vacancy arose, in accordance with the relevant rules of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, the services of the petitioner can be repatriated to respondent No.3.

5. In the aforesaid background, once having noted that pursuant to the order of declaring the petitioner surplus and the petitioner having joined at R.K. High School, Pulgaon, District Wardha, we are of the view that the order of declaring surplus and directing the petitioner's services to be absorbed in R.K. High School, Pulgaon, District Wardha is quite justified.

6. However, we accept the statement made by the learned Counsel appearing for respondent No.3 that in future if in case a vacancy arose in the High School, the services of the petitioner shall be accepted.

7. In view of above, in our opinion, no further orders are required on the application and the application stands accordingly disposed of.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)