



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4646 OF 2024

Pramod Punjaram Vaidya

-- Petitioner

Vs.

1. State of Maharashtra, Through its Secretary, -- Respondents
Department of Education, Mantralaya,
Mumbai.
2. Dy. Director of Education, Nagpur Division,
Nagpur.
3. The Education Officer (Sec.), Zilla Parishad,
Nagpur.
4. Utkarsh Shikshan Prasarak Sanstha, Mouda.

Mr. P.P. Thakare, Advocate for the Petitioner.

Mr. A.M. Kadukar, Assistant Government Pleader for the
Respondent nos.1 to 3.

CORAM : NITIN JAMDAR & NITIN W. SAMBRE, JJ.

DATE : 10 SEPTEMBER 2024.

P.C. :

Heard the learned counsel for the parties.

2. The Petitioner was working in the school of the Respondent no.4-Management which was de-recognized in view of the mismanagement. The grievance of the Petitioner is that though he was appointed on permanent basis and his appointment was duly approved, he has not been absorbed in other aided schools.

3. The communication, which is an order passed by the Education Officer (Secondary) on 12 July 2023, directs that some of the teachers who are stated to be identically situated should be taken on the list of surplus teaches. However, the Petitioner is not taken on the list of surplus teachers. As of now, no impediment is shown as to why similar course of action be not adopted in the case of the Petitioner.

4. Accordingly, we direct the Education Officer (Secondary) to examine the case of the Petitioner and if the Petitioner is entitled to the same course of action as taken in the case of other similarly situated employees to proceed to take necessary action within a period of six weeks subject to earlier time bound directions. In case for some reason, the Petitioner is not so entitled, then after giving an opportunity to the Petitioner, a reasoned order be passed. However, we put the Education Officer (Secondary) to notice that if the reasons for rejection are found to be frivolous, consequences would ensue.

5. The Writ Petition is disposed of in above terms. No costs.

[NITIN W. SAMBRE, J.]

[NITIN JAMDAR, J.]