

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 WRIT PETITION NO. 999 OF 2022

Lata Eknath Pawal

Age : 53 years, Occu : Service,

R/o. 'Supekar Nivas' Behind

I.V. Shinde Hospital, DP. Road,

Adarsh Nagar, Beed

Dist. Beed

...Petitioner

VERSUS

1. The Additional Divisional Commissioner
Division Aurangabad

2. The Chief Executive Officer,
Zilla Parishad, Beed

3. Block Education Officer,
Panchayat Samittee, Georai,
Tq. Georai, Dist. Beed

...Respondents

...

Mr. Shrimant R. Kedar, Advocate for the Petitioner

Dr. K. B. Patil-Bharaswadkar, AGP for Respondent No.1

Mr. Suhas R. Shirsat, Advocate for Respondent No.3

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CORAM : ROHIT W. JOSHI, J.

DATED : 30th JULY 2025

ORAL JUDGMENT :-

1. The petitioner is a teacher working with Zilla Parishad, Beed. The petitioner was rendered surplus on account of reduction in strength of the school where she was posted. Her services were therefore required to be shifted to some other school. The petitioner was granted posting at Zilla Parishad School Rasulabad, Tal. Gevrai, Dist: Beed. The petitioner was supposed to join duty at the said

School on 30.05.2017, however, the petitioner did not join services with the said school. The contention of the petitioner appears to be that as per the staffing pattern, there was no post available for joining in the said school. It is not the case of the petitioner that she had been there and she was not allowed to join the services. Thereafter, vide order dated 29.01.2018 issued by the Chief Executive Officer of the Zilla Parishad, petitioner was granted posting at Zilla Parishad Primay Schood, Itkut where she has joined service on 14.02.2018. While granting posting to the petitioner vide order dated 29.01.2018, the Chief Executive Officer has directed that she will not be entitled for salary for the period from 30.05.2017 till the date she joins service at the school allotted vide 29.01.2018 on the principle "No Work, No Pay." The petitioner filed statutory appeal challenging the said condition of 'No Work, No Pay' in the order dated 29.01.2018 by filing appeal before the Additional Divisional Commissioner, Aurangabad.

2. The Additional Divisional Commissioner, Aurangabad has dismissed the appeal vide order dated 07.09.2021. The appellate authority has recorded that an order of absorption was passed in favour of the petitioner on 30.05.2017, however, the petitioner did not join service in terms of the said order and was unnecessarily trying to raise technical issues with respect to sanctioned strength of the school where posting was granted to her. The learned Appellate Authority has rightly observed that the petitioner was under

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obligation to join service at the place designated in the absorption order and it was not open for her to raise any issue with respect to sanctioned staffing pattern of the school where posting was granted to her.

3. It needs to be mentioned that it is not even the case of the petitioner that she had attempted to join the service at the school allotted to her vide the absorption order and she was not permitted to join service for want of sanctioned post. It is obvious that the petitioner verily refrained from extending her service from 30.05.2017 till 14.02.2018 i.e. the date on which she joined service pursuant to subsequent order dated 29.01.2018. For not rendering service without any justifiable reason, the Chief Executive Officer has rightly held that she will not be entitled for the salary for the intervening period.

4. The learned Appellate Authority has also considered the controversy involved in the matter properly and has dismissed the appeal by passing a well reasoned order. This Court find no reason to take different view in the matter.

5. Petition is therefore dismissed.

[ROHIT W. JOSHI, J.]