

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 7887 OF 2024**

Vishwas s/o. Babasaheb Deshmukh & Ors. ... Petitioners

versus

The State of Maharashtra & Ors. ... Respondents

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Mr.Ketan Pote (through VC) h/f. Mr.Deepak Pote for the Petitioners.  
Mr.P.P.Kakde, Addl.GP with Mr.A.C.Bhadang, AGP for the  
Respondent -State.

Mr.Rajiv More, Law Officer is present.

Mr.Prashant Gaikwad, Medical Social Worker is present.

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**CORAM : RAVINDRA V. GHUGE &  
ASHWIN D. BHOBE, JJ.**

**DATE : 6<sup>TH</sup> MARCH, 2025**

**P.C. :-**

1. The Petitioners have put forth prayer clauses (A), (B)  
and (C), as under :

*“A] By a writ of mandamus or any other appropriate writ, or order or directions in the like nature, respondent No. 2 be directed to consider the petitioners for absorption in any other aided School meant for physically challenged students.*

*B] By a writ of mandamus or any other appropriate writ, or order or directions in the like nature, Respondent Nos. 1 and 2 may kindly be directed to pay salary of the*

*petitioners for a period from 2017 till the date of their absorption.*

*C] Pending hearing and final disposal of this writ petition, respondent No. 2 be directed to consider the petitioners absorption as per their seniority in the waiting list maintained by respondent No. 2 without waiting for the list to be submitted by respondent No. 4 Management”.*

2. The learned Addl.GP submits, on instructions, that an Appeal was filed by Respondent No.4 Management, challenging the decision of the Government to close down the said Institution. The said Appeal was allowed on 25<sup>th</sup> January, 2018. However, thereafter, the Management has not started the said Institution. Therefore, these Petitioners are still in the lurch.

3. We are informed that the proposals of these Petitioners, for absorption, have been forwarded by Respondent No.3 to Respondent No.2.

4. The learned Addl.GP submits that the said proposals could not be acted upon since the department requires the service books along with the appointment orders of these Petitioners and the Institution is closed. If the Petitioners tender self attested copies

of the service books along with their appointment orders, Respondent No.2 would consider the same and take a decision as regards the absorption of these Petitioners. He, therefore, prays that the Petitioners should cooperate.

5. The learned Advocate for the Petitioners submits, on instructions, that the Petitioners are willing to cooperate.

6. In view of the above, **this Writ Petition is disposed off** with the following directions :

(a) The Petitioners shall prepare additional copies of their service books along with their appointment orders and tender them to Respondent no. 2;

(b) Depending upon the availability of posts on which these Petitioners would be eligible, the appropriate Authority would start issuing orders of absorption of these Petitioners and similarly situated employees who have not approached the Court, strictly as per their seniority list;

(c) Insofar as the payment of salary to a surplus teacher is concerned, in the light of the Government Resolution dated 15<sup>th</sup> March, 2024, we direct the concerned Authorities to ensure that the said Government Resolution is scrupulously followed and the surplus teachers be paid their due amounts, within a period of 60 days, and to be paid until they are absorbed.

**(ASHWIN D. BHOBE, J.)**

**(RAVINDRA V. GHUGE, J.)**