

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 19210 OF 2024

Suresh Eknath Kudalkar

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. Prashant Bhavake for the Petitioner.

Mr. A.P. Vanarse, A.G.P. for the Respondent-State.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 24th November 2025.

ORAL ORDER (Per : Ajit B. Kadethankar, J.)

1. Mr. Bhavake, learned counsel for the Petitioner submitted that the Respondent No.3-Education Officer published the list of surplus Assistant Teachers on 3rd December 2024, wherein the name of the Petitioner was included as a surplus Assistant Teacher.

2. Mr. Bhavake, learned counsel would submit that in fact on the date of such declaration, there were more than one vacant post of Assistant Teachers and for which he could not have been declared as surplus Assistant Teacher.

3. Mr. Bhavake, learned counsel for the Petitioner would submit that had the Petitioner and the Respondent Nos.4 & 5-Management be given an opportunity to submit their say as regards to the Petitioner's categorization as surplus Assistant Teacher, the Respondent No.3 would not have declared him as surplus Assistant Teacher.

4. In view of this, we pass the following order :-

(i) The Petitioner is at liberty to make an appropriate representation to Respondent No.3-Education Officer, demonstrating that the Petitioner does not fall under the category of surplus Assistant Teacher in the list of 3rd December 2024.

(ii) Let such representation be filed within four weeks from today together with all appropriate documents.

(iii) Upon receipt of such proposal, the Respondent No.3-Education Officer shall decide such proposal on its own merits, scrutinizing genuine documents and also giving an opportunity of hearing to the Petitioner as also to the Management.

(iv) Let this exercise be completed by Respondent No.3-Education Officer within a period of eight weeks from the date of receipt of such representation.

(v) In case, the Respondent No.3-Education Officer arrives to the conclusion that the Petitioner was erroneously placed in the list of surplus Assistant Teacher, the Petitioner would be entitled to the consequential benefits.

5. Petition stands disposed of in above terms.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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