



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

WRIT PETITION NO.554 of 2019

Vijaya w/o Yogesh Charpe (before Marriage as Vijaya B. kamble) 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 order

Mr. P.P. Thakre, Advocate for petitioner.
Mr. Nitin Autkar, AGP for respondent nos.1 to 3.
Mr. A.Z.Jibhkate, Advocate for respondent no.4
Mr. P.N. Shende, Advocate for respondent no.5.

CORAM : NITIN W. SAMBRE & MRS. VRUSHALI V. JOSHI, JJ.
DATE : JANUARY 20, 2025.

1. The respondent-Deputy Director of Education conducted a hearing on 5th October, 2017 and having regard to the position of the petitioner in the seniority list and having been appointed from open category even though from the OBC category, ruled that she cannot be pronounced as surplus.
2. In the subsequent year, the Deputy Director of Education had an occasion to consider the issue of surplus teachers in the respondent-school and declared in-all three teachers including the petitioner surplus vide order impugned dated 7th December, 2018 in regard to which the Court had passed an order of status quo.
3. As a sequel of above, the petitioner is continued with the respondent-management as she was employee of the school.
4. The affidavit filed on behalf of the Deputy Director of Education depicts that the seniority list at the relevant time was not prepared.

5. Apart from above, under the interim order, the petitioner is continued with the respondent-management.

6. It is claimed by Mr. Thakre, Counsel appearing for the petitioner that the petitioner is trained graduate teacher appointed in 25% quota and cannot be declared surplus as the Management is required to maintain the ratio of 25% for trained graduate teachers. He would claim that such issue is not looked into by the Deputy Director of Education.

7. In this background, the order impugned to the extent of the petitioner is hereby quashed and set aside.

8. We deem it appropriate to permit the petitioner to appear before the Deputy Director of Education on 10th February, 2025 with directions to pass a reasoned order in regard to the claim of the petitioner viz (a) that the petitioner was appointed from open category though belonging to OBC category as an trained graduate teacher and (b) as per the staffing pattern the petitioner cannot be declared surplus and she overall the strength of the students and the requirement of teachers on the date of passing of the order be also taken into account.

9. Let the decision be taken within a period eight weeks from the date of appearance of the petitioner.

10. The respective parties i.e. Management of the school and other respondents assure that they shall be appearing before the Deputy Director of Education on the aforesaid date.

(MRS.VRUSHALI V. JOSHI, J.) (NITIN W.SAMBRE, J.)

Mukund Ambulkar