



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

WRIT PETITION NO.3562/2023

Shankarrao s/o Ganpatrao Gaikwad and others Vs. The 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. T.S.Kene, Advocate for petitioners.
Ms.Kavita Bhondge, AGP for respondent nos.1 and 2.
Mr. U.J. Deshpande, Advocate for respondent nos.3, 5, 6 and 7.
Mr. B.G.Kulkarni, Advocate for respondent no.8.

CORAM : NITIN W. SAMBRE & MRS. VRUSHALI V. JOSHI, JJ.
DATE : APRIL 7, 2025.

1. Heard.
2. The petitioners claiming to be Trustees are questioning the order of absorption made by the Education Officer on the following counts:
 - (a) There was no vacancy, however, the Headmaster wrongly communicated about vacancy.
 - (b) The absorption is against the reserved category in which there was no vacancy.
 - (c) That accommodation of the excess teacher than that of sanctioned strength can cause administrative burden.
3. The fact remains that the Trust is not before the Court opposing the order of absorption. Even otherwise, the argument of the petitioner that getting an excess teacher than that the sanctioned strength cannot be said to be detrimental to the students who are taking education. Even otherwise, according to us, few trustees even if claimed to be interested persons cannot claim locus for questioning the order of absorption.
4. That being so, the petition stands dismissed with costs.

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