



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

CIVIL APPLICATION (CAW) NO. 1239 OF 2026

IN

WRIT PETITION ST. NO. 10079 OF 2026

(WRIT PETITION NO. 4368 OF 2026)

MANOJ SHAMRAO WADIBHASME AND ANOTHER

Vrs.

EDUCATION OFFICER (SECONDARY), ZILLA PARISHAD, BHANDARA AND ANOTHER

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Ritu Jog, Advocate for applicants/petitioners.
Ms. Deepa Charlewar, AGP for respondent No.1.

CORAM: RAJ D. WAKODE, J.

DATE : 26/05/2026

1. Heard Ms. Ritu Jog, learned counsel for the applicants/petitioners.
2. The petitioners have filed this application for amendment to the writ petition in view of the subsequent developments.
3. Since the notices are not yet issued in the present writ petition, no prejudice would be caused to the respondents, if the present amendment application is allowed.
4. In view of the above and reasons stated in the application, amendment application is allowed. Necessary amendment be carried out within two days.
5. The civil application is disposed of.

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6. Heard Ms. Ritu Jog, learned counsel for the petitioners.

7. The petitioner No.1 is an Assistant Teacher working in respondent No.2 – School Nisha Vidyalaya, Bhandara.

8. The contention is that the respondent No.2 – School being run by the petitioner No.2 – Management. The contention is that the respondent No.1 – Education Officer, Secondary, Zilla Parishad, Bhandara without any authority in law had declared the present petitioner No.1 as surplus. The reason being that the petitioner No.1 is the Junior most employee.

9. Ms. Ritu Jog, learned counsel has invited my attention to the Judgment dated 18/08/2022 passed by this Court in Writ Petition No.114/2022 filed by the present petitioner No.1 wherein this Court has given a specific finding that applying the ratio laid down in the case of **Gaur Pratibha and others Vrs. The State of Maharashtra and others**, Mr. Wadibhasme will be senior to Mr.Lanjewar. It is worth to mention here that by virtue of impugned order, the respondent No.1 instead of declaring the junior teacher i.e. Mr. Lanjewar as surplus has declared the petitioner No.1 as surplus.

10. In view of the aforesaid impugned order, the respondent No.2 has relieved the petitioner No.1 by virtue of order dated 05/05/2026 which is also being challenged by the petitioners before this Court.

11. Ms. Ritu Jog, learned counsel for the petitioners has invited my attention to the Rule 26 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (for short, "MEPS Rules, 1981") whereby the authority to declare any permanent employee as surplus lies with the management and that too after complying the procedure as prescribed under Rule 26 of the MEPS Rules, 1981. However, in the present case, the respondent No.1 without any authority in law has declared the present petitioner No.1 as surplus and that too without following the procedure as contemplated under Rule 26 of the aforesaid Rules, 1981.

12. In view of the above, issue notice to the respondents, returnable on **15/06/2026**.

13. Ms. Deepa Charlewar, learned AGP waives service of notice for respondent No.1.

14. For the reasons stated above, there shall be stay to the effect and operation of the impugned order passed by the respondent No.1 which is at record Page No.22 (Annexure-A), so also to the relieving order dated 05/05/2026 issued by the respondent No.2.

[JUDGE]