



( 1 )

WP-2075-2014

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 2075 OF 2014

Meera D/o. Madhukarrao Sirdeshpande ..Petitioner

**VERSUS**

The State of Maharashtra and Ors. ...Respondents

...

Mr. N. K. Tungar h/f Mr. V. V. Jahagirdar, Advocate for the Petitioner.  
Smt. Kalpalata Patil Bharaswadkar, Addl. G.P., For Respondent Nos. 1 & 2  
-State.

Mr. Sudhir K. Chavan, Advocate for Respondent No.3.

Mr. Mahesh P. Kale, Advocate for Respondent No.4.

CORAM : KISHORE C. SANT &  
SUSHIL M. GHODESWAR, JJ.

DATE : 6<sup>th</sup> MAY 2026.

**ORDER :-**

1. Heard Mr. Tungar, the learned Advocate for the petitioner, Smt. Bharaswadkar, learned AGP for Respondent/State, Mr. Chavan, the learned Advocate for Respondent No.3, and Mr. Kale, the learned Advocate for Respondent No.4. By consent of the parties the petition is taken up for final disposal at the admission stage.



2. By way of present writ petition, the petitioner has approached this Court with a prayer to direct the Respondents/authorities to absorb her in service by giving appointment in a school for handicapped children run by Respondent No.4/institution or in any other school for handicapped students, either a private school or a school run by Zilla Parishad, Semi-Government or State Government etc. It is further prayed that the period of retrenchment be treated as a period spent in service and that pensionary benefits be granted to the petitioner.

3. It is the case of the petitioner that she was appointed in the year 1996 to the post of Art Teacher in open category in the school, namely, Swatantrya Sainik Ramrao Kanekar Niwasi Asthivyang Vidyalaya which was being run for handicapped children. The respondent No.3/District Social Welfare Officer granted approval to her appointment on a temporary basis for the academic year 1996-97 in the pay scale of Rs.1200-2040. The approval was continued even in the year 1999 by order dated 26.07.2000. The permanent approval came to be granted with effect from 01.04.2000. However, in the year 2000 itself, the



respondent No.5/school was closed down as there were no adequate facilities and adequate infrastructure available. Many other schools run for handicapped students were also closed down. Some of the employees of such handicapped schools approached this Court by filing WP/3744/2003 and WP/43/2004. This Court, in those writ petitions, directed the respondents/authorities to absorb the employees from such schools and to give them appointment as Assistant Teachers. Directions were also issued to follow the procedure under Rule 25-A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 at State level. On 05.07.2005, the Government also issued a circular laying down procedure for absorption of retrenched employees of handicapped schools. There was also a decision taken directing the schools not to appoint any teacher unless the procedure is followed by absorbing persons like petitioner. However, nothing was done so far as the present petitioner is concerned. Her name appeared at serial No.91 in the list prepared for such candidates. The candidates till serial No.90 are absorbed. It is the case of the petitioner that even persons from serial No.92 onwards were also absorbed. It is in this view, she made a



representation on 13.01.2014; however, no action was taken by the Government/authorities. The petitioner, therefore, approached this Court. A direction is sought in view of fact that two employees from some other schools are likely to retire in March 2014. The circular dated 05.07.2005 is, therefore, issued by the State Government to give appointment to the petitioner against their posts.

4. Mr. Tungar, the learned Advocate for the petitioner, vehemently argued that the petitioner was granted permanent approval. However, without any fault on her part, as the school itself came to be closed, her services were terminated. Once she was granted permanent approval, she ought to have been placed in the list of surplus candidates. The Government had issued a circular dated 05.07.2005 directing to prepare a list as per Rule 25-A of the MEPS Rules. It was further directed not to appoint any person through direct recruitment process to handicapped schools and that only persons from the said list were to be appointed. He thus submits that it was incumbent on the part of the respondents to absorb the petitioner. Her representation dated 13.01.2014 ought to



have been considered; however, till date, no action is taken by the respondent, and therefore, it is necessary to issue directions to the respondents/authorities. In the year 2006, she joined the school at Mantha Dist. Jalna where the school was transferred.

5. In support of his submission, he relied upon the order dated 29.12.2007 passed by Commissioner, wherein the respondent No.4-School was transferred to Parbhani with a direction to absorb the teachers and the staff from the original school into the new school. He also relied upon the Government decision dated 27.01.2004 to show that the persons who are taken in service are to be granted salary as per the pay scale. He, therefore, submits that directions are also required to be issued to the respondent to grant pension to the petitioner.

6. Learned AGP argued that, the petitioner, by the time the reply was filed, had crossed the age of 62 years. It was directed to forward her pension case to the Account General for necessary decision. It was submitted that the petition can be disposed off without granting any relief.



7. Learned Advocate, Mr. Chavan, appearing for respondent No.3 - Social Welfare Officer, argued that since 2000, the petitioner was not in service after the school was transferred in the year 2007-08. However, she did not join the transferred school. Her service book is not complete, and it is for that reason, the pension proposal could not be sent. He submits that for want of service book, no action could be taken.

8. This Court has heard the parties. It is an admitted fact that since 2000, the petitioner is not in service. During the pendency of this petition, she attained the age of superannuation on 24.04.2014. Granting the relief of absorption to the petitioner is thus not possible. Though the respondent No.5 school was transferred in the year 2006 to the school at Mantha District Jalna, there is nothing on record to show that she has actually joined. Even if it is assumed that she joined new school, she worked there only till 2008 as per her own pleading in the petition. Thus, there is no record thereafter to show that the petitioner served as a teacher in the transferred school after 2008. It is also brought on record that, though the school was transferred, it could not



start functioning. There is absolutely no record to show that the petitioner worked in the transferred school though the school was transferred. This Court had specifically called for affidavit from the Respondent No.6/Zilla Parishad. Therefore, the Zilla Parishad filed an affidavit on 26.09.2025. It is clearly stated in the affidavit that there is no record available that the petitioner was transferred to school at Mantha Dist. Jalna and that she worked in the transferred school. It is further stated that she worked only for three months in the said school. After the said school is closed, there is no record available with the authorities nor any record is available with the said school. In these circumstances, it is expected of the petitioner to produce material on record to show that she had, in fact, worked in the transferred school even after 2008.

9. It is clearly seen that when the approval was granted to the petitioner on 26.07.2000, immediately, the school was closed down. The school was transferred to Mantha Dist. Jalna in 2007-08, the said school also never started. The available record, at the most, shows that the



petitioner worked for three months after transfer of the school. Thereafter, absolutely no record is available either with the society or with the authorities. As observed earlier, even the petitioner has not produced any material on record to show that she continued in service thereafter. For all these reasons, this Court finds that the petitioner has miserably failed to establish that she is entitled to receive pension. As already observed, the petitioner has crossed the age of superannuation. There is also no question of issuing directions to absorb her in any other school.

10. For all these reasons, this Court finds that there is no merit in the writ petition. The writ petition stands dismissed and disposed off. No order as to costs.

[SUSHIL M. GHODESWAR, J.]

[KISHORE C. SANT, J.]