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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 WRIT PETITION NO. 4170 OF 2025
WITH
CIVIL APPLICATION NO. 14039 OF 2025 IN WP/4170/2025

Mohammed Meraj Shaker S/o Mohammed Ismail
VERSUS
The State Of Maharashtra And Others

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Mr. M.V. Ghatge, Advocate for Petitioner
Ms. Neha B. Kamble, AGP for Respondents No.1 and 4
Mr. S.R. Yadav Lonikar, Advocate for Respondents No.2 and 3

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CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 13 FEBRUARY, 2026

PER COURT :-

1. Heard the learned advocate for the petitioner, learned AGP for respondents No.1 and 4 and learned advocate for respondents No.2 and 3.
2. It has now been stated that during the pendency of the petitioner, the petitioner has been declared surplus. It is not in dispute that the petitioner had received salary till January 2025. "The petitioner has challenged the order dated 12.02.2025 passed by the respondent—Education Officer. *Prima facie*, we are of the opinion that when the said order was passed, neither the permission/sanction of the school was cancelled nor was the petitioner declared surplus. However, it is mentioned that as per Government resolution, till the absorption of the

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teachers from the minority institution declared surplus is not done, then on the basis of no work no pay, the salary will not be paid. The order declaring the petitioner surplus was passed on 03.09.2025 i.e. during the pendency of the writ petition. When we asked the learned Advocate for respondents No. 2 and 3 as to why the action for absorption has not been properly taken up, he submitted that the petitioner was directed to be absorbed in another school, which was also a minority institution, and that it refused to absorb the petitioner. Learned advocate for the petitioner submits that there are 8 vacancies in the Zilla Parishad School at Parbhani and 21 in Zilla Parishad School at Hingoli, which are adjoining districts. Learned Advocate for respondents No. 2 and 3 now seeks liberty to file an additional affidavit in respect of the facts to be brought on record and the efforts taken by respondents No. 2 and 3 to absorb the petitione

3. Such affidavit be file on or before 04.03.2026. This period will not be extended on any count. Copy of the same be given to the other side in advance.

4. Place the matter for further consideration on 09.03.2026, **first on board.**

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE