

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

966 WRIT PETITION NO. 11804 OF 2017
WITH CA/13894/2017 IN WP/11804/2017

MAHARASHTRA RAJYA APANG SHALA KARM SHALA KARMACHARI SANGH
THROUGH ITS PRESIDENT S
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Talekar And Associates
AGP for Respondents : Mr. A.D.Deshmukh

**CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.**

DATE : JUNE 12, 2018

O R D E R :

Since many dates we are adjourning the matter seeking information from the respondents with regard to the details of the process of absorption. Some of the members of the petitioner are the employees of the de-recognized physically handicapped schools. Some of the de-recognized institutions have filed appeal, whereas some of the de-recognized institutions have not filed any appeal.

2. It is almost two years the schools are de-recognized and the members of the petitioner are rendered surplus.

3. Pursuant to the query raised earlier, the learned A.G.P. has placed before us a communication received by him. The communication states that the list of such surplus teachers would be prepared within three months. The same would be published. The objections would be called and thereupon the process of absorption would take place. The same would be in respect of de-recognized schools who have not filed any appeals. With regard to the schools whose appeals are allowed and they have not yet commenced the schools. Notices would be given to them and action would be taken for cancellation of their recognition and thereafter further process would be undertaken. It is also stated that for giving information as to the period within which the appeals would be decided, five weeks time would be

required.

4. It is high time the respondents take the matter seriously and start preparing the list. Whether the de-recognized institution has filed appeal or not would not be germane for preparing the list of surplus employees. In case the absorption is made, even in respect of the institutions who have filed appeal and subsequently if appeal is allowed, those employees can be repatriated. At present these employees are without salary for almost two years. The State is required to consider these aspects and take immediate steps about absorption of these employees in other vacant posts.

5. Learned counsel for the petitioner states that more than 3500 equivalent posts are vacant. We direct the respondent/State to prepare the list of surplus teachers of the de-recognized handicapped schools within a period of six weeks from today and thereupon start the process of absorption

immediately, so that upon absorption at least salary would be payable to these persons.

6. Place the matter after six weeks.

7. Authenticated copy is allowed.

[SUNIL K.KOTWAL, J.]

[S.V.GANGAPURWALA, J.]

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