

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

**WRIT PETITION NO. 4412 OF 2026**

MAHENDRA S/O SURESHRAO RAUT AND ANOTHER

**Vrs.**

THE STATE OF MAHARASHTRA AND OTHERS

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

Court's or Judge's Order

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Shri R. D. Karode, Advocate for petitioners.  
Shri S. S. Hulke, AGP for respondents-State.

**CORAM: RAJ D. WAKODE, J.**

**DATE : 29/05/2026**

1. Heard Shri R.D.Karode, learned counsel for the petitioners.
2. The petitioners are the husband and wife and are working as teachers in Municipal Council School No.7 being run by the respondent No.4 – Municipal Council, Akot.
3. The petitioners seek challenge to the impugned communication dated 27/05/2026 issued by the respondent No.6 – Deputy Director of Education, Amravati, thereby declaring the present petitioners as surplus and they are calling upon the petitioners for the further process of absorption on 29/05/2026. The aforesaid impugned communication dated 27/05/2026 is at record Page No.88 (Annexure-J).
4. Shri Karode, learned counsel has invited my attention to the notice dated 20/05/2026, whereby

respondent No.4 – Chief Officer, Municipal Council, Akot had called upon the petitioners to submit their objections on being declared surplus.

5. So far as the petitioner No.1 Mahendra Sureshrao Raut is concerned, the respondent No.4 had informed that as per the staffing pattern approved for the Academic Year 2025-2026 for Higher Primary 6<sup>th</sup> Standard to 8<sup>th</sup> Standard, only 2 teachers are sanctioned whereas there are 5 teachers working and accordingly, 3 teachers will be declared surplus. One such teacher to be declared surplus was the petitioner No.1. Similar is the case with the petitioner No.2 to whom the respondent No.4 had informed that the staffing pattern for the Academic Year 2025-2026 for Primary School, 1<sup>st</sup> Standard to 5<sup>th</sup> Standard was approved and accordingly, 10 Assistant Teachers were sanctioned, whereas 15 teachers were working and thus, 5 Assistant Teachers were required to be declared as surplus. The petitioners immediately submitted their objections for being declared surplus on 21/05/2026.

6. The aforesaid objections were submitted to respondent No.4 – Chief Officer, Municipal Council, which are at record Page No.79 collectively (Annexure-I). Similar objections were submitted to the respondent No.6 – Deputy Director of Education, Amravati Region, Amravati on 21/05/2026, which is at record Page No.83 collectively.

7. Shri Karode, learned counsel submits that the petitioner No.1 was designated as Field Trainer in the

Census 2027 filed by the District Collector, Akola vide order dated 01/04/2026 which is at record Page No.42.

8. The Government of Maharashtra vide its communication dated 17/04/2026 which is at record Page No.47 has informed all the Chief Executive Officers of Zilla Parishad in Maharashtra that such teachers who are assigned duties in the Census shall not be transferred. Same objection was raised by the petitioner No.1 with the respondent Nos.4 and 6. So far as petitioner No.2 is concerned, petitioner No.2 is a person with disability. The Disability Certificate dated 20/09/2021 which is at record Page No.37 reveals that petitioner No.2 is suffering from 40% disability pertaining to her vision. She is also issued ID Card by the Competent Authority.

9. Shri Karode, learned counsel for the petitioner has invited my attention to the provisions of the Government Resolutions dated 18/05/2011 and 28/08/2012 specifically protecting the teachers with disability certificate from being declared surplus or excess. Learned counsel for the petitioner submits that the petitioner No.2 had raised specific objection to that effect to the respondent Nos.4 and 6. In spite of such objections raised by the petitioners, the respondent No.4 has not decided the same and issued impugned communication dated 27/05/2026, thereby declaring the petitioners as surplus and thereby calling upon them on 29/05/2026 for further process of absorption.

10. In view of the above, issue notice to the respondents, returnable on **02/06/2026**.

11. Shri S. S. Hulke, learned AGP waives service of notice on behalf of all respondents except respondent No.4.

12. The petitioners to serve the respondent No.4 by usual mode, so also private mode and shall file affidavit of service.

13. In the meanwhile, the respondents are directed to maintain status quo in so far as the status of the petitioners as teachers working in Municipal Council School No.7, Akot, Dist. Akola, till the returnable date.

[JUDGE]