

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2225 OF 2013

KISHOR TUKARAM DEOKAR

PETITIONER

VERSUS

STATE OF MAHARASHTRA AND OTHERS

RESPONDENTS

Mr.Kalyan V.Patil h/f S.R.Barlinge, Advocate for the petitioner.

Mrs.V.A.Shinde, AGP for respondent Nos. 1 and 2.

Mr.Ajinkya Deshmukh h/f Mr.A.V.Hon, Advocate for respondent Nos. 3 and 4.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 26/08/2015

PER COURT :

1. Both the learned Advocates for the petitioner and respondent Nos. 3 and 4 jointly submit that this Court has dealt with an identical situation in the matter of Yadav Fakira Desale Vs. The State and others and Sunil Namdeo Sathe Vs. The State and others in WP No.741/2013 and 745/2013 by its judgment dated 24/09/2014. It is, therefore, submitted that paragraph No.10 of the said judgment dated 24/09/2014 can be made applicable to this petition while disposing it off.

2. In the light of the joint statement made by the learned Advocates on instructions, the conclusion drawn by this Court in

paragraph No.10 of the judgment dated 24/09/2014 shall be made applicable to this case as follows :-

Taking into account the above said facets of this case and the follow up action, by which respondent No.2 - Education Department has decided the entitlement of the petitioners to the salary and placing reliance upon the case of Syed Abdul Quadir and others Vs. State of Bihar and others [(2009) 3 SCC 475] the impugned orders dated 30.5.2012 alongwith the communication dated 31.5.2012 and 7.1.2013 are quashed and set aside. The writ petition is accordingly allowed. No order as to costs.

(RAVINDRA V. GHUGE, J.)