

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2924 OF 2014

PRATIBHA DINKAR SONAWANE @ ARCHANA SUNIL PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioner : Ms. Kazi Sabahat T
Additional G.P. for respondent Nos. 1 to 4 : Mr. K. G. Patil
Advocate for respondent No. 5 : Mrs. Rashmi S. Kulkarni
Advocate for respondent No. 6 : Mr. P. M. Shaha, Senior Counsel I/b Mr.
D. S. Bagul

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WITH
WRIT PETITION NO. 2922 of 2014

ULHAS PRAKASH SURYAWANSHI
VERSUS
THE STAE OF MAHARASHTRA AND OTHERS

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Advocate for petitioner : Ms. Kazi Sabahat T
Additional G.P. for respondent Nos. 1 to 4 : Mr. K. G. Patil
Advocate for respondent No. 5 : Mrs. Rashmi S. Kulkarni
Advocate for respondent No. 6 : Mr. Syed Masood Chand

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WITH
WRIT PETITION NO. 2925 OF 2014

HEMRAJ RAVINDRA PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioner : Ms. Kazi Sabahat T
Additional G.P. for respondent Nos. 1 to 4 : Mr. K. G. Patil
Advocate for respondent No. 5 : Mrs. Rashmi S. Kulkarni
Advocate for respondent No. 6 : Mr. N. L. Choudhari

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 12th AUGUST, 2015

P.C. :-

1. In all these petitions the petitioners claim relief of absorption and payment of salary.

2. The petitioners in all these writ petitions were working as teachers in the mobile units run by the Non-Government Organizations (NGOs). It is the contention of the petitioners that subsequently, these mobile units were closed down and the petitioners were directed to be absorbed with the schools run by the local authorities. Earlier, these petitioners were employed under the Integrated Education Scheme and subsequently, under the Inclusive Education Scheme which was meant for imparting education to the handicapped students. According to the petitioners, they were directed to be absorbed with respondent No. 6 in all these petitions. However, they are not paid salary. According to the learned counsel for the petitioners, in one of the matters i.e. writ petition No. 2922 of 2014, the authority had directed to pay salary for some interregnum period.

3. It is the contention of respondent No. 5 in all these petitions that the petitioners were working with respondent No. 5 under the Integrated Education Scheme and subsequently, under the Inclusive Education Scheme and these petitioners were transferred to

respondent No.6. Even orders were issued by the authorities absorbing the petitioners with respondent No. 6 institution. The same was under the Government policy and the resolution of the Government. The schools run by the local bodies were to shoulder the responsibility of running such units, as such, it is the responsibility of respondent No. 6 to absorb the petitioners and pay salary to them.

4. The learned counsel for respondent No. 6 submit that, at no material point of time, respondent No. 6 had submitted any proposal for start of mobile units for handicapped, nor any sanction was granted to these schools for starting mobile units. Even the Deputy Education Officer, in his affidavit, has clarified the same. According to respondent No. 6, the respondent No. 6 is not liable to absorb the petitioners nor pay the salary to them.

5. The learned AGP states that the petitioners in all these petitions are approved teachers. Now, the mobile units itself have been closed down. As per the recent policy of the Government, the handicapped students are to be imparted education with the regular students and these petitioners will now be required to be absorbed in primary schools.

6. We have considered the submissions canvassed by the learned counsel for the respective parties. In view of the fact that the Scheme, under which the petitioners were directed to be absorbed by the Director of Education, itself has come to an end and that the respondents will be required to pass fresh orders with regard to the absorption of the petitioners, the dispute raised in the present petitions, with regard to running the mobile units under any of the Schemes, becomes redundant.

7. In view of the same, the Director of Education (Primary) shall pass fresh orders with regard to the absorption of the petitioners. The petitioners, naturally, will be entitled to continuity of service. With regard to the payment of salary for the interregnum period the Director of Education (Primary) shall pass fresh orders expeditiously and preferably within a period of three months.

8. The writ petitions are accordingly disposed of with aforesaid observations and directions. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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