

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CONT. PETITION NO.:313 OF 2014
IN
WRIT PETITION NO.:7661 OF 2013

Javed Babulal Sayyed and others
VERSUS
The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambekar Arvind G., Advocate for
Petitioners.

Mr. K.G.Patil, A.G.P. for Respondent in all the matters.

WITH
WRIT PETITION NO.:439 OF 2015

Surekha Dnyandeo Kalane and others
VERSUS
The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambekar Arvind G., Advocate for
Petitioners.

Mr. Shelke Shivaji T., Advocate for Respondent Nos.3 and 4.

Mr. Dama Prashant P., Advocate for Respondent Nos.7 and 8.

WITH
WRIT PETITION NO.:1490 OF 2015

Ramkisan Manikrao Surwase and others
VERSUS
The State of Maharashtra and others

Mr. Talekar S.B. and Mr. Awate U R, Advocate for Petitioners.

WITH
WRIT PETITION NO.:7772 OF 2014

Venudas Dhyandev Waghmode and others
VERSUS
The State of Maharashtra and others

Mr. Talekar S.B. and Mr. Awate U R, Advocate for Petitioners.
Mr. Shelke Shivaji T., Advocate for Respondent Nos.3 and 4.

WITH

WRIT PETITION NO.:8074 OF 2014

Ketaki Vishwanath Kothare
VERSUS
The State Of Maharashtra and others

Mr. Patil Hanmant V., Advocate for Petitioner.
Mr. Gangwal Madhubala B., Advocate for Respondent Nos.3 and 4.

WITH

WRIT PETITION NO.:9607 OF 2014

Kamaloddin Fayyaj Shaikh Patel and others
VERSUS
The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambekar Arvind G., Advocate for
Petitioners.
Mr. Deepak K. Rajput, Advocate for Respondent Nos.3 and 4.
Mr. C.V.Thombre, Advcoate and S. B. Nakhate, Advocate for Respondent
No.5.

WITH

WRIT PETITION NO.:9629 OF 2014

Ravindra Madhav Gaikwad and others
VERSUS
The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambekar Arvind G., Advocate for
Petitioners.
Mr. Deepak K. Rajput, Advocate for Respondent Nos.3 and 4.
Mr. C.V.Thombre, Advcoate and S. B. Nakhate, Advocate for Respondent
No.5.

WITH

WRIT PETITION NO.:9630 OF 2014

Firojshah Hidayatshah Fakir and others
VERSUS
The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambetkar Arvind G., Advocate for Petitioners.

Mr. Patil Pravin S., Advocate for Zilla Parishad.

WITH**WRIT PETITION NO.:9631 OF 2014**

Datta Nagorao Chawan and others

VERSUS

The State of Maharashtra and others

Mr. Talekar S.B. , Advocate for Petitioners.

Mr. Tope Sambhaji S., Advocate for Respondent Nos.16 and 17.

WITH**WRIT PETITION NO.:10140 OF 2014**

Krushna Jagannath Chavan and others

VERSUS

The State of Maharashtra and others

Mr. Joshi Milind M. , Advocate for Petitioners.

Mr. Pawar Rahul S., Advocate for Respondent No.4.

WITH**WRIT PETITION NO.:10141 OF 2014**

Dhananjay Shankarrao Deshmukh and others

VERSUS

The State of Maharashtra and others

Mr. Joshi Milind M., Advocate for Petitioners

Mr. Suryawanshi Prashant D., Advocate for Respondent No.3.

WITH**WRIT PETITION NO.:10143 OF 2014**

Rajendra Pandurang Gavad and others

VERSUS

The State of Maharashtra and others

Mr. Joshi Milind M., Advocate for Petitioners

Mr. Tope Sambhaji S., Advocate for Respondent No.4.

WITH
WRIT PETITION NO.:10147 OF 2014

Namdeo Annasaheb Naykal and others
VERSUS
The State Of Maharashtra and others

Mr. Wakure Sanjay A., Advocate for Petitioners.
Mr. Choudhari Sushant B., Advocate for Respondent Nos.4 and 5.

WITH
WRIT PETITION NO.:10363 OF 2014

Geetanjali Bapurao Rathod
VERSUS
The State of Maharashtra and others

Mr. Wakure Sanjay A., Advocate for Petitioner.
Mr. Bondar U.B., Advocate for Respondent Nos.4 and 5.

WITH
WRIT PETITION NO.:10444 OF 2014

Mahesh Dnyandeo Waditake and another
VERSUS
The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambetkar Arvind G., Advocate for
Petitioners.
Mr. Shelke Shivaji T., Advocate for Respondent Nos.3 and 4.

WITH
WRIT PETITION NO.:10445 OF 2014

Eknath Ramkisan Chaudhar and others
VERSUS
The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambetkar Arvind G., Advocate for
Petitioners.
Mr. Shelke Shivaji T., Advocate for Respondent Nos.3 and 4.

WITH
WRIT PETITION NO.:10446 OF 2014

Kunal Suresh Pimpale and others
VERSUS
The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambekar Arvind G., Advocate for Petitioners.

Mr. Avhad Abhijeet P., Advocate for Respondent Nos.6 and 7.

Mr. Tope Sambhaji S., Advocate for Respondent Nos.8 and 9.

WITH
WRIT PETITION NO.:10878 OF 2014

Suresh Ramnath Khatik and others
VERSUS
The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambekar Arvind G., Advocate for Petitioners.

Mr. Patil Pravin S., Advocate for Respondent Nos.2, 9, 10 and 19.

Mr. S.T. Shelke, Advocate for Respondent Nos.3 and 4.

Mr. Tope Sambhaji S., Advocate for Respondent Nos.5 and 6.

Mr. Siddhiki Rajput, Advocate for Respondent Nos.7 and 8.

WITH
WRIT PETITION NO.:11501 OF 2014

Anita Raghunath Kadam and others
VERSUS
The State of Maharashtra and others

Mr. Talekar S.B., Advocate for Petitioners.

Mr. Tope Sambhaji S., Advocate for Respondent Nos.10 and 11.

Mr. Shinde Bhagwat A., Advocate for Respondent Nos.28 and 29.

WITH
CONT. PETITION NO.:314 OF 2014
IN
WRIT PETITION NO.:7664 OF 2013

Chandrakant Haribhau Sasane and others
VERSUS
The State of Maharashtra and others

Mr. Talekar S.B. and U.R.Awate, Advocate for Petitioners.

WITH
CONT. PETITION NO.:496 OF 2014
IN
WRIT PETITION NO.:7667 OF 2013

Kamaloddin Fayyaj Shaikh Patel and others
VERSUS
The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambetkar Arvind G., Advocate for Petitioners.

WITH
WRIT PETITION NO.:4741 OF 2014

Umesh Narayan Patil and another
VERSUS
The State of Maharashtra and others

Mr. V.A.Bagal, Advocate for Petitioners.

Mr. M.S. Sonawane, Advocate for Respondent Nos.3 and 4.

WITH
WRIT PETITION NO.:9841 OF 2014

Ajit Shrimant Bajulge and others
VERSUS
The State of Maharashtra and others

Mr. Jagtap Amol T., Advocate for Petitioners.

WITH
WRIT PETITION NO.:1686 OF 2015

Subhash Bapurao Sonawane and others
VERSUS
The State of Maharashtra and others

Mr. G.J.Karne, Advocate for Petitioners.

WITH

WRIT PETITION NO.:1687 OF 2015

Dharma Kalyanrao Khapre and others

VERSUS

The State of Maharashtra and others

Mr. G.J.Karne, Advocate for Petitioners.

WITH

WRIT PETITION NO.:1688 OF 2015

Ramkrushna Madhukar Dhumal and others

VERSUS

The State of Maharashtra and others

Mr. G.J.Karne, Advocate for Petitioners.

WITH

WRIT PETITION NO.:1450 OF 2015

Rahul Ramnath Shinde and others

VERSUS

The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambetkar Arvind G., Advocate for Petitioners.

WITH

WRIT PETITION NO.:1469 OF 2015

Surekha Abarao Bhusare and others

VERSUS

The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambetkar Arvind G., Advocate for Petitioners.

WITH

WRIT PETITION NO.:11076 OF 2014

Mahendra Baliram Sonawane and others

VERSUS

The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambetkar Arvind G., Advocate for Petitioners.

Mr. Sonwane Maheshkumar S., Advocate for Respondent Nos.4, 5, 16 & 17.

Mr. Tandale P.R., Advocate for Respondent Nos.6 and 7.

Mr. Shelke Shivaji T., Advocate for Respondent Nos.8 And 9.

Mr. Tope Sambhaji S., Advocate for Respondent Nos.12 and 13.

Mr. Avhad Abhijeet P., Advocate for Respondent No.14 And 15.

WITH**WRIT PETITION NO.:11084 OF 2014**

Vikas Sudhakar Kshirsagar and another

VERSUS

The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambetkar Arvind G., Advocate for Petitioners.

Mr. D.K. Rajput, Advocate for Respondent Nos.4 and 5.

WITH**CIVIL APPLICATION NO.:12131 OF 2014**

IN

WRIT PETITION NO.:11084 OF 2014

Rajendra Khandu Rajbhoj and others

VERSUS

The State of Maharashtra and others

Mr. Kanawade Ajay T., Advocate copy served on Mr.A.G. Ambetkar, Advocate for Petitioner.

WITH**CIVIL APPLICATION NO.:1801 OF 2015**

IN

WRIT PETITION NO.:11084 OF 2014

Dnyaneshwar Baburao Ingole and another

VERSUS

The State of Maharashtra and others

Mr. Kanawade Ajay T., Advocate copy not served on Mr.A.G. Ambetkar, Advocate for Petitioner.

AND

WRIT PETITION NO.:11091 OF 2014

Rahul Gangaram Aghade and others
VERSUS
The State of Maharashtra and others

Mr. P.R.Katneshwarkar, Advocate i/b Mr. Ambekar Arvind G., Advocate for Petitioners.

Mr. Dama Prashant P., Advocate for Respondent Nos.6 and 7.

Mr. Tope Sambhaji S., Advocate for Respondent Nos.8 and 9.

Mr. Tandale P.R., Advocate for Respondent Nos.10 and 11.

CORAM : **S. V. GANGAPURWALA and
V. L. ACHLIYA, JJ.**

DATE : 10th February, 2015.

PER COURT:

1 These writ petitions assail the Government Resolution dated 21st August, 2014, and the advertisement issued pursuant to the same.

2 We have heard Mr.Talekar, learned counsel and all other learned counsel appearing for respective Petitioners, so also, the learned Additional Government Pleader for the State.

3 The bone of contention of the learned counsel for the respective Petitioners is that the policy framed i.e. Government Resolution dated 21st August, 2014, is not in consonance with the judgment delivered by this Court in Writ Petition No.7106 of 2013 with connected writ petitions dated 9th May, 2014.

4 It was also pointed out that the said judgment and order was subject matter in Civil Application No.9191 of 2014 seeking modification of the order. Except the modification to the extent of a minor part, rest of the judgment was not modified. During the course of hearing, the learned Additional Government Pleader produced a communication received to him from the State stating that in view of the judgment of this Court and the disposal of the application for modification bearing Civil Application No.9191 of 2014, the Respondent – State would review the said policy and would modify the said Government Resolution dated 21st August, 2014. As it is a policy decision, some time would be required. It is also clarified in the said letter that they would require time of three months for the same.

5 In view of the statement made by the Respondent – State that they are going to modify the Government Resolution dated 21st August, 2014, it is not necessary to enter into the merits of the contentions of the rival parties. The State has agreed to modify the said scheme and the same would be done by the State. The State shall take the said policy decision and modify the scheme appropriately as agreed by them within three months. So that by the next academic year, the procedure for appointment would be streamlined.

6 The second objection is with regard to the advertisement which was issued pursuant to the Government Resolution dated 21st August, 2014. This Court had allowed the process pursuant to the said advertisement to be continued, however, had stayed the appointments to be made pursuant to the said Government Resolution. Now the period that has remained for this academic year is two months as is agreed by the learned counsel for the respective parties. The question would be appointing instructors only for this two months.

7 Naturally, the scheme vide Government Resolution dated 21st August, 2014 is being modified as per the Respondent – State's statement. Now as the Government Resolution dated 21st August, 2014, itself is being modified by the State, the advertisement given pursuant to the Government Resolution dated 21st August, 2014, would not survive. Moreover, the said advertisement also states about giving appointment on *adhoc* basis, which was pursuant to the Government Resolution dated 21st August, 2014, and in view of the statement made that the policy itself is going to be modified and reviewed, the said advertisement itself would not survive. Even otherwise, pursuant to the said advertisement, no appointment orders are issued. As such, no right and interest of any person is created pursuant to the said advertisement.

8 In light of the above, we pass the following order:

- I. The advertisement assailed in the respective writ petitions, stands set aside.
- II. The letters dated 2nd February, 2015, 6th February, 2015 and 10th February, 2015, which are produced by the learned Additional Government Pleader are taken on record and made part of the record of the present writ petitions.
- III. Accordingly, all the writ petitions stand disposed of. No costs.
- IV. In view of the statement of the Respondent – State recorded about modifying the said scheme and directions given to do the same within three months, the contempt petitions stand disposed of. However, it would be open for the Petitioners to agitate their rights including that of contempt if the State fails to adhere to their statement and directions issued in these petitions.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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