

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1094 OF 2015
WITH WRIT PETITION NO.1035 OF 2015
WITH WRIT PETITION NO.1036 OF 2015
WITH WRIT PETITION NO.1074 OF 2015

RAVIKUMAR DASHRATH MULE
VERSUS
THE PRESIDENT, ADARSH SIKSHAN PRASARAK MANDAL & OTHERS

...
Advocate for Petitioners : Shri Kanawade Ajay T.
Advocate for Respondents 1 & 2 : Shri Undre V.S.
Advocate for Respondent 3 : Shri Rodge S.N.

...
CORAM : RAVINDRA V. GHUGE, J.
Dated: August 19, 2015
...

PER COURT :-

1. While issuing notice on 10.2.2015 and taking into account the common issue involved in all these petitions, I had recorded the fact situation in paragraph Nos. 1 to 5 as follows:-

“1. A common issue is raised in all these petitions by the petitioners against the same respondent/ employer.

2. Issue notice before admission to the respondents, returnable on 24-03-2015. Shri Undre, waives service for respondent Nos. 1 & 2.

3. The common feature in all these matters is that the petitioners have been terminated from service on account of their proposal for approval being pending and as such approval was yet to be granted. In none of these four cases, the Education Department has rejected the approval for their appointment. The petitioner in the first case has been working from 2009 till the date of termination dated 16-06-2014. In the second, third and fourth cases

mentioned hereinabove, the petitioners were appointed on 02-09-2013 and terminated on 14-06-2014.

4. All the petitioners are before the School Tribunal in their respective appeals filed under Section 9 of the MEPS Act, 1977. By the impugned orders, all dated 22-09-2014, the applications for staying the termination orders have been rejected.

5. Recording the statement of the petitioners that they have been regularly appointed by following the procedure of recruitment and the Education Officer - Respondent No. 3 has not turned down their approval proposal in their cases, I hereby, direct the respondent-employer, not to recruit new persons in the places of the petitioners till the next date of hearing in these matters.”

2. The four appeals preferred by these four petitioners are pending hearing and disposal before the School Tribunal. The proposals of the petitioners, sent for approval to the competent authority by the employer, are still pending decision and the said proposals for seeking approval have still not been decided / rejected.

3. In the light of the above, I deem it proper to expedite the four appeals pending before the School Tribunal, by continuing the ad-interim protection granted by this Court in paragraph No.5 of the order dated 10.2.2015.

4. The litigating sides assure this Court that they would not seek adjournments on trivial grounds and shall cooperative with the School Tribunal for deciding the four appeals on/or before 2.1.2016.

5. Considering the above, these four petitions are disposed off with a direction to the School Tribunal to decide the four appeals Nos. 53, 52, 51 and 50 of 2014, respectively, on/or before the 2nd day of January, 2016. The litigating sides shall refrain from seeking adjournments on trifling grounds.

6. Needless to state, in the event the competent authority grants approval to the appointments of these petitioners, the said fact shall be brought to the notice of the School Tribunal and the employer / establishment is at liberty to issue necessary orders, pursuant to such approval.

7. Till the said appeals are decided, interim relief as was granted on 10.2.2015 shall continue as follows:-

“ Recording the statement of the petitioners that they have been regularly appointed by following the procedure of recruitment and the Education Officer - Respondent No. 3 has not turned down their approval proposal in their cases, I hereby, direct the respondent-employer, not to recruit new persons in the places of the petitioners till the next date of hearing in these matters.”

8. The petitions are disposed off with the above directions.

(RAVINDRA V. GHUGE, J.)

...