

## IN THE HIGH COURT OF JUDICATURE AT BOMBAY

## CIVIL APPELLATE JURISDICTION

## WRIT PETITION NO.3840 OF 2015

Shri Govind Suresh Kanse .... Petitioner  
vs  
The State of Maharashtra & ors. .... Respondents

ALONG WITH  
WRIT PETITION NO.3841 OF 2015

Shri Rajendraprasad M. Kadam .... Petitioner  
vs  
The State of Maharashtra & ors. .... Respondents

ALONG WITH  
WRIT PETITION NO.3842 OF 2015

Shri Abhishekh D. Kashelkar .... Petitioner  
vs  
The State of Maharashtra & ors. .... Respondents

ALONG WITH  
WRIT PETITION NO.3843 OF 2015

Shri hondi Ravindra Gawade .... Petitioner  
vs  
The State of Maharashtra & ors. .... Respondents

ALONG WITH  
WRIT PETITION NO.3844 OF 2015

Shri Siddesh Sudhakar Kanse .... Petitioner  
vs  
The State of Maharashtra & ors. .... Respondents

AND ALONG WITH  
WRIT PETITION NO.3845 OF 2015

Shri Nilesh Sagun Deoulkar .... Petitioner  
vs  
The State of Maharashtra & ors. .... Respondents

Mr. N. V. Bandiwadekar with Mr. Sagar A. Mane for the petitioners.

Ms. M. S. Bane, AGP for respondents 1 to 3 and 5.

**CORAM: ANOOP V. MOHTA AND  
K. R. SHRIRAM, JJ.**

**DATE : April 17, 2015**

**P.C.:**

Rule. Rule is made returnable forthwith. Heard finally by consent of parties.

2 Since the issues involve in these Petitions are common, the same are disposed of by this common order.

3 The Petitioners have been appointed initially as shikshan sevak and now working as Assistant Teachers with respective Respondent No.4 in each Petition ranging from the period from 2008 to 2011 after due approval from the concerned Authority,

including Respondent No.3-Education Officer. By the impugned order passed by Respondent No.4, pending the alleged inquiry, based upon similar complaints from the Maharashtra Rajya Caste Tribe Karmachari Sangh which, was earlier decided also in favour of the Petitioners, directed to stop the payment of salary with immediate effect as fully time teachers.

4           There is no issue that the Petitioners have been working till this date. No show cause notice issued to the Petitioners of any action for taking such action including of stoppage of salary. Therefore, as the action is in clear breach of basic principles of natural justice, apart from law, as such salaries and/or due entitlement cannot be curtailed and/or stopped specifically when the respective appointments have been made after due approval from the concerned Authorities. The whole action, therefore, according to us, is unacceptable.

5           Therefore, we are inclined to grant the reliefs as prayed. We, therefore, direct Respondents 3 and 4 to release the salary of the Petitioners as Assistant Teachers in Respondent No.6-school as early as possible and pay the same regularly in accordance with

law. However, it is made clear that we are not restricting the rights of the Respondents to take action in accordance with law, if any.

6           The Respondents are at liberty to take and/or initiate proceedings and/or continue with the inquiry, if any, in accordance with law.

7           All writ petitions are accordingly allowed in terms of prayer (b) only, with liberty.

8           Rule in all the Petitions made absolute.

9           There shall be no order as to costs.

10          Parties to act on the basis of an authenticated copy of this order.

**(K. R. SHRIRAM, J.)**

**(ANOOP V. MOHTA, J.)**