

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

**WRIT PETITION NO. 5278 OF 2014
WITH
CIVIL APPLICATION NO. 2890 OF 2014
IN
WRIT PETITION NO. 5278 OF 2014**

Shri Kondikiri Arun TukaramPetitioner.

Vs.

The State of Maharashtra & Ors.Respondents.

Ms. Sucheta Mirarashi i/by Mr. A.M. Joshi for the Petitioner/s.

Ms. S.S. Bhende, AGP for Respondent Nos. 1 to 3.

Mr. S.A. Ghaisas for Respondent No.4.

**WITH
WRIT PETITION NO. 5542 OF 2014
WITH
CIVIL APPLICATION NO. 1859 OF 2014
IN
WRIT PETITION NO. 5542 OF 2014**

Shri Mujawar Maheebub HusensahebPetitioner.

Vs.

The State of Maharashtra & Ors.Respondents.

Ms. Sucheta Mirarashi i/by Mr. A.M. Joshi for the Petitioner/s.

Ms. S.S. Bhende, AGP for Respondent Nos. 1 to 3.

Mr. S.A. Ghaisas for Respondent No.4.

**WITH
WRIT PETITION NO. 5548 OF 2014
WITH
CIVIL APPLICATION NO. 1872 OF 2014
IN
WRIT PETITION NO. 5548 OF 2014**

Smt. Halyal Bharati Bhimrao

....Petitioner.

Vs.

The State of Maharashtra & Ors.

....Respondents.

Ms. Sucheta Mirarashi i/by Mr. A.M. Joshi for the Petitioner/s.

Mr. A.I. Patel, AGP for Respondent Nos. 1 to 3.

Mr. S.A. Ghaisas for Respondent No.4.

CORAM : ANOOP V. MOHTA AND

K.R.SHRIRAM, JJ.

DATE : 24 APRIL 2015.

ORAL JUDGMENT (PER ANOOP V. MOHTA, J.):

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

2 As the issues involved in these matters are common, the same are being disposed of by this common judgment.

3 The learned counsel appearing for the respective parties make statement that all the issues are covered by the judgment of Division Bench of this Court. Therefore, we are inclined to dispose of the aforesaid Petitions. Pursuant to order passed by this Court in M/s. Sandhya Laxman Ghosalkar Vs. The State of Maharashtra (Writ Petition No.5258 of 2012) and other connected matters, dated 12 September 2012 whereby, in similarly situated matters, this Court has observed as

under:-

“4. In our view, there was no justification whatsoever for the Education Officer (Secondary) to grant his approval only as Shikshan Sevaks to the three Petitioners. If the Petitioners had been appointed as Assistant Teachers in the aided school by transfer from the unaided school on the basis of seniority, the approval ought to have been granted to them as Assistant Teachers. This is especially so having due regard to the fact that they were similarly circumstanced with other Teachers in whose case approval was granted as Assistant Teachers.

5. In the circumstances, we quash and set aside the order of the Second Respondent dated 29 March 2012 and direct the Second Respondent to grant approval to the appointments of the Petitioners as Assistant Teachers with effect from 1 August 2011 (the date as mentioned in the approval order dated 29 March 2011). The Education Officer (Secondary) shall pass consequential orders within a period of two weeks from the date on which an authenticated copy of this order is produced on his record”.

4 In view of above, and in view of order passed in (Shri. Phiroj Chandsaheb Momin & Anr. Vs. The State of Maharashtra, through the Secretary, School Education Department, Mantralaya, Mumbai-400032 & Ors.) Writ Petition No.3197 of 2014, dated 16 September. 2014, so also in Writ Petition Nos. 676 of 2014, 711 of 2014 and 6639 of 2014, dated 17 September 2014, therefore, in the present cases also we are inclined to grant prayer clauses (b) and (c) of the respective

Petitions for the same reasons.

5 Writ Petitions are accordingly allowed in terms of prayer clauses (b) and (c) of the respective Petitions.

6 Rule made absolute accordingly. There shall be no order as to costs.

7 In view of disposal of the Writ Petitions itself, nothing survive in the Civil Applications. All the Civil Applications are also disposed of accordingly.

The parties to act on the basis of an authenticated copy of this judgment.

(K.R.SHRIRAM, J.)

(ANOOP V. MOHTA, J.)