

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7587 OF 2015

- 1 Dadade Khanderao Vithoba
Aged: Adult, Occ: Working as a
Peon in Petyitioner No.2 School
- 2 Janata Vidyalay,
Pimpalkothe, Tal Baglan,
Dist. Nashik,
Through its Head Master
- 3 Maratha Vidya Prasarak Samaj,
Nashik, having Central Office at
Shivaji Nagar, Gangapur Road,
Nashik 422 002
Through its Sarchitnis Petitioners

vs

- 1 The State of Maharashtra,
Through the Secretary,
School Education Department,
Mantralaya, Mumbai 400 032
- 2 The Education Officer (Secondary)
Zilla Parishad, Nashik Respondents

WITH

Writ Petition NO. 7588 OF 2015

PITHE HEMANT TUKARAM AND ORS. ...Petitioner(s)

*Versus*THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT.
AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7589 OF 2015

KOLI SURESH PRALHAD AND ORS. ...Petitioner(s)
Versus
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT.
AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7590 OF 2015

PAWAR VASANT DATTATRAY AND ORS. ...Petitioner(s)
Versus
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT.
AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7591 OF 2015

JOPLI SACHIN PANDURANG AND ORS. ...Petitioner(s)
Versus
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT.
AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7592 OF 2015

NEHARE PUNDLIK POPAT AND ORS. ...Petitioner(s)
Versus
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7593 OF 2015

PARDESHI RUPESH BHAGATSING AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7594 OF 2015

RAUT RAKESH DAULAT AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY AND ANR ...Respondent(s)

WITH
Writ Petition NO. 7595 OF 2015

CHANDAN ANIL SUBHASH AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7596 OF 2015

DALVI SAKHARAM DHAVLU AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY AND ANR ...Respondent(s)

WITH
Writ Petition NO. 7597 OF 2015

JADHAV SHARAD MOTIRAM AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7598 OF 2015

SAIYYAD ALTAF HARUN AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7599 OF 2015

SANGLE SANDEEP BAJIRAO AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7600 OF 2015

BIDGAR DNYANESHWAR KEDU AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7601 OF 2015

SHELKE RAM SHIVAJI AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7602 OF 2015

PATEKAR CHANDRAKANT MADHAV AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7603 OF 2015

CHAVAN SHANTARAM JAGANNATH AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7604 OF 2015

SURYAVANSHI NITIN BALU AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7605 OF 2015

KAPSE ANIL AMBADAS AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7606 OF 2015

JADHAV KISHOR ASHOK AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS....Respondent(s)

WITH
Writ Petition NO. 7607 OF 2015

MAHALE SANDEEP KHANDERAO AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7608 OF 2015

ANBHULE RAKESH DATTATRAY AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

passWITH
Writ Petition NO. 7609 OF 2015

BARDE SANTOSH SOMNATH AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7610 OF 2015

PHATANGADE SAWKAR SAKHARAM AND ORS. ...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7611 OF 2015

POTINDE VIVEK GANPAT AND ORS.

...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH

THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH

Writ Petition NO. 7612 OF 2015

PAWAR MILIND SURATSING AND ORS.

...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH

THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH

Writ Petition NO. 7613 OF 2015

SURYAVANSHI DEEPAK DHANRAM AND ORS.

...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH

THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH

Writ Petition NO. 7614 OF 2015

PURE SAURABH SHAM AND ORS.

...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH

THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH

Writ Petition NO. 7616 OF 2015

GAIKWAD MUKUND VITHAL AND ORS.

...Petitioner(s)

Versus

THE STATE OF MAHARASHTRA THROUGH

THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7617 OF 2015

SONAWANE DEELIP MOTIRAM AND ORS. ...Petitioner(s)
Versus
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7615 OF 2015

PARDHE BHAUSAHEB EKNATH AND ORS. ...Petitioner(s)
Versus
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7618 OF 2015

AVHAD TANAJI KISAN AND ORS. ...Petitioner(s)
Versus
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY, SCHOOL EDUCATION DEPT. AND ORS. ...Respondent(s)

WITH
Writ Petition NO. 7619 OF 2015

BHAVAR KHUSHAL SUBHASH AND ORS ...Petitioner(s)
Versus
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY AND ANR ...Respondent(s)

WITH
Writ Petition NO. 7620 OF 2015

MALI RAJENDRA NIVRUTTI AND ORS ...Petitioner(s)
Versus
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY AND ANR ...Respondent(s)

WITH
Writ Petition NO. 7621 OF 2015

PAWAR VILAS KARBHARI AND ORS ...Petitioner(s)
Versus
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY AND ANR ...Respondent(s)

WITH
Writ Petition NO. 7622 OF 2015

DAGLE VALU JAGANNATH AND ORS ...Petitioner(s)
Versus
THE STATE OF MAHARASHTRA THROUGH
THE SECRETARY AND ANR ...Respondent(s)

Mr. N. V. Bandiwadekar with Mr. Sagar Mane for the
petitioners in all matters.
Mr. V. N. Sagare, AGP for respondents 1 and 2 in all matters.

**CORAM: ANOOP V. MOHTA AND
A. A. SAYED, JJ.**

DATE : August 20, 2015

ORAL JUDGMENT: (Per Anoop V. Mohta, J.):

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

2 As common issues are involved and as the Respondents

and the nature of orders, including the contents of the same are common, therefore, we are inclined to dispose of all these Petitions by this Judgment.

3 This Court, after hearing both the parties, on 13.04.2015 (Writ Petition No.3037/2015 along with other companion matters) in similarly situated circumstances in respect of the very same Petitioners, directed the Respondents to decide the Application for approval filed by Petitioner No.3-management also in accordance with law.

4 By impugned orders dated 25 June 2015, Respondent No.2-Education Officer, Zilla Parishad, without assigning any reasons specifically to the fact that all the Petitioners appointments were made by following the due procedure prior to 2 May 2012, after due advertisement and obtaining due permission from Respondent No.2. As these facts go to the root of the matter, the Respondent, while passing the impugned order, though referred to Government Resolutions dated 2 May 2012, 23 October 2013, 14 October 2014 and 12 February 2015 but failed to take note of above facts and other circulars and its effects, as the Government

Resolutions as referred, are subsequent to the appointments in question & prospective in operation. There is nothing on record to show that these Government Resolutions have retrospective effect.

5 The learned counsel appearing for the Petitioners has pointed out relevant Government Resolution dated 6 September 2015 which covers the case as contended by the Petitioners that the appointments made prior to 2 May 2012 are required to be granted approval. There is not even reference made to this Government Resolution in the impugned order while referring to the Government Resolutions so recorded above. The impugned order, therefore, is unjust, unsustainable and liable to be quashed and set aside. Therefore, in the interest of justice and considering the missing reasons, we are inclined to interfere with the similar impugned orders dated 25 June 2015, and accordingly quash and set aside. Therefore, the following order :

ORDER

- (i) Impugned communications/letters dated 25 June 2015 issued by Respondent No.2 are quashed and set aside.
- (ii) Respondent No.2 is directed to decide the

Applications afresh in view of above observations with reasons, as early as possible, preferably within eight weeks from today.

- (iii) All the writ petitions are accordingly allowed.
- (iv) Rule in all the Petitions made absolute in the above terms.
- (v) No costs.

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

(A. A. SAYED, J.)

(ANOOP V. MOHTA, J.)