

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 11048 OF 2014**

Smt. Aher Sangita Ramdas & 94 Ors.

....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.

Mr. Narendra V. Bandiwadekar a/w Mr. S.A.Mane for the Petitioners.
Mr. V.N. Sagare, AGP for Respondent Nos. 1 and 2.

**CORAM : ANOOP V. MOHTA AND
M.S. SONAK, JJ.**

DATE : 8 APRIL 2015.

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

Rule returnable forthwith.

Heard finally, by consent of the parties.

2 The submission is made by the learned counsel appearing
for the Petitioners that the issue is covered by the Judgments/orders

passed by this Court, which are annexed with the Petition, Exhibit “G”, collectively at page 111 to 115. After hearing both the parties and going through the averments, as well as, the submissions so made and as there is no contra material and the present Petition is also covered by the same reasons and entitlement for the same reliefs, we are inclined to allow this Petition in terms of prayer clause (b).

3 We have, in Writ Petition No. 11177 of 2013 and other five connected matters, by the reasoned order dated 8 October 2014, passed similar order, where the same Education Officer has earlier also passed such orders.

4 Therefore, we are inclined to dispose of the present Writ Petition, pursuant to the order passed by this Court in M/s Sandhya Laxman Ghosalkar Vs. The State of Maharashtra¹ whereby, in similarly situated matter, 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

1 Writ Petition No. 5258 of 2012 & other connected matters, dated 12th September 2012

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”.*

5 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.², and also in Smt. Vandana Natha Mhatre Vs. The State of Maharashtra³, we are inclined to grant prayer clause (b) for the same reason.

6 It is necessary to note that inspite of repeated and several orders we have passed in such matters, the State Government is not taking any policy decision, granting the seniority list to all the concerned in the State of Maharashtra, specifically when there is no

2 Writ Petition No. 3197 of 2014, dated 16th September 2014

3 Writ Petition No. 2729 of 2015 and other dated 23 March 2015.

challenge raised to the earlier orders and/or contra material placed on record. The statement is made by the learned counsel appearing for the Petitioners that in all these matters, after the orders have been passed by this Court, even the Respondents concerned are regularly implementing those orders. Therefore, it is necessary for the State Government to consider and take appropriate policy decision to avoid multiple proceedings like this, and even otherwise to avoid unnecessary Court litigations.

7 It is also necessary for Respondent No.1 to decide the proposal, as early as possible, preferably within 10 weeks from today without waiting for any other Government policy decisions, in view of the orders which we have passed earlier.

8 Writ Petition is accordingly allowed in terms of prayer clause (b). There shall be no order as to costs.

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

(M.S. SONAK, J.)

(ANOOP V. MOHTA, J.)