

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2729 OF 2015

Smt. Vandana Natha Mhatre	.. Petitioner
Vs.	
The State of Maharashtra & Ors.	.. Respondents

**AND
WRIT PETITION NO. 2839 OF 2015**

Shri Sanket Krushnarao Dixit & Anr.	.. Petitioners
Vs.	
The State of Maharashtra & Ors.	.. Respondents

Mr.N.V. Bandiwadekar i/b Mr.S.A.Mane for petitioner/s in both petitions.

Smt. S.S. Bhende, AGP for respondent no.1 in both petitions.

**CORAM : ANOOP V. MOHTA,
K.R.SHRIRAM, JJ.
DATE : 23RD MARCH, 2015**

P.C.

1 Rule, returnable forthwith. Heard finally by consent of the parties.

2 As the issue involved in the above petitions is common, therefore, the same are being disposed of by this common order.

3 The submission is made that the issues are covered by the judgment of the Division Bench of this Court. Therefore, we are inclined to dispose of the aforesaid Petitions, pursuant to order passed by this Court passed in *M/s*

Sandhya Laxman Ghosalkar Vs. The State of Maharashtra¹ 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.***², we are inclined to grant prayer clause (b) of the respective Petitions for the same reason.

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

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

5 Both the Writ Petitions are accordingly allowed in terms of prayer clause (b) of the respective Petitions. Rule is accordingly made absolute in all the Petitions with liberty. There shall be no order as to costs.

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

(K.R. SHRIRAM, J.)

(ANOOP V MOHTA, J.)