

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5707 OF 2013

(Babarao Namdeorao Patharkar .vs. State, through its Secretary, Deptt. of Higher Edu.,
Mumbai and Ors.)

with

WRIT PETITION NO.15 OF 2014

(Devidas Gajanan Bahire .vs. State, through its Secretary, Deptt. of Higher Edu.,
Mumbai and Ors.)

with

WRIT PETITION NO.34 OF 2014

(Chabutai Sheshrao Kale .vs. State, through its Secretary, Deptt. of Higher Edu.,
Mumbai and Ors.)

with

WRIT PETITION NO.35 OF 2014

(Ajabrao Harishchandra Nimkale .vs. State, through its Secretary, Deptt. of Higher Edu.,
Mumbai and Ors.)

with

WRIT PETITION NO.36 OF 2014

(Madhukar Gyandevrao Rokade .vs. State, through its Secretary, Deptt. of Higher Edu.,
Mumbai and Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.S.W.Sambre, Adv. for the petitioners.
A.G.Ps. for respondent nos. 1 to 3 : (in Writ Petition
No.5707 of 2013 Mr.Nitish Rode,)(Mr.A.S.Fulzele,
in Writ Petition No.15 of 2014), (in Writ Petition
No.34 of 2014 Mr.N.S.Khubalkar), (in Writ Petition
No.35 of 2014 Mr.D.M.Kale) and (in Writ Petition
No.36 of 2014 Mrs.K.S.Joshi).
Dr.Anjan De, Adv. for respondent no.4.

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.

DATE : 12th JANUARY, 2015.

Heard. Perused the orders dt.26.9.2014 and
23.12.2014 passed by this Court.

The petitioners state that the papers are already with the Education department and they have to pass suitable orders.

Dr.Anjan De, learned Counsel appearing on behalf of respondent no.4 i.e. Head Master of J.D. Patil High School submits that if such papers are received from the Education department, said respondent, in the capacity as a Head Master/Head Mistress, shall place necessary signatures on them, without prejudice to his/her rights and contentions in the matter. The learned Counsel has invited our attention to order dt.24.7.2012 passed by this Court in Writ Petition No.897 of 2012 to point out how the rights of the Head Mater/Head Mistress of School are protected by this Court while making arrangement to see that the petitioners receive their pension. We have perused that order.

In this situation, we find that the interest of justice shall be met with by directing respondent no.3/Education Officer to pass suitable order on the papers received by it within a period of four weeks from the date of receipt of such papers and thereafter, if any signatures of Head Master/Head Mistress are required, the same shall be obtained within next two weeks. The signatures so made by the Head Master/Head Mistress shall not prejudice the rights of such signatory and school in the matter and in the controversy. The signatures shall be made only to facilitate finalisation and payment of pension to the petitioners before this Court.

After the papers are so ready, the petitioners, who are found eligible to receive pension and further terminal benefits, shall be paid the same within next two

months. Acceptance of such payment shall not preclude the petitioners from challenging correctness of the exercise undertaken.

Needless to mention that, in this situation, rights of the petitioners qua respondent no.4/School and rights of the said school qua the petitioners are kept open and can be looked into by appropriate Forum at an appropriate juncture. Subject to these directions and the time bound program, the Writ Petitions are partly disposed of. No costs.

JUDGE

JUDGE

jaiswal