

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4743 OF 2014

Ashthabhuja Bahu Uddeshiya
Shikshan Va Samajik Vikas Sanstha
Kalmeshwar, District Nagpur,
Through its President

...PETITIONER

versus

1. The State of Maharashtra,
through its Secretary,
School Education and Sports Department,
Mantralaya, Mumbai 32.
2. The Director of Education
Secondary and Higher Secondary
Maharashtra State, Pune.
3. The Director of Education (Primary),
Maharashtra State, Pune.
4. The Deputy Director of Education,
Aurangabad Division, Aurangabad.
5. The Education Officer (Secondary)
Zilla Parishad, Hingoli.
6. Union of India.
Through its under Secretary, M/O
Child & Women Welfare Development
Department of Education, Shastri Bhavan
New Delhi.

...RESPONDENTS

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Mr. S.R. Barlinge, Advocate for petitioners
Mr. P.S. Patil, AGP for respondents No. 1 to 5
Mr. S.B. Deshpande, ASG for respondent No. 6

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WITH

WRIT PETITION NO. 7266 OF 2016

1. Pankaj S/o Narottam Bhavsar,
Age: 30 years, Occu. service,
Presently working as Attendant
Dr. V.M. Jain Madhyamik Vidyalaya,
Parola, Taluka Parola, District Jalgaon.

2. Vijay S/o Ashok Badgujar,
Age: 28 years, Occu. service,
Presently working as Attendant
Dr. V.M. Jain Madhyamik Vidyalaya,
Parola, Taluka Parola, District Jalgaon.
3. Meenakshi d/o Sudam Nerpagar,
Age: 28 years, Occu. service,
Presently working as Special Teacher
Dr. V.M. Jain Madhyamik Vidyalaya,
Parola, Taluka Parola, District Jalgaon.
4. Monali d/o Appa Kapadne,
Age: 29 years, Occu. service,
Presently working as Special Teacher
Dr. V.M. Jain Madhyamik Vidyalaya,
Parola, Taluka Parola, District Jalgaon.
5. Ojaswita Narendra Bhave,
Age: 29 years, Occu. service,
Presently working as Special Teacher
Dr. V.M. Jain Madhyamik Vidyalaya,
Parola, Taluka Parola, District Jalgaon.
6. Savita Suresh Shinde,
Age: 30 years, Occu. service,
Presently working as Special Teacher
Dr. V.M. Jain Madhyamik Vidyalaya,
Parola, Taluka Parola, District Jalgaon.
7. Snehalata Dobha Salunke,
Age: 27 years, Occu. service,
Presently working as Special Teacher
Dr. V.M. Jain Madhyamik Vidyalaya,
Parola, Taluka Parola,
District Jalgaon.

...PETITIONERS

versus

1. The State of Maharashtra,
through its Secretary,
School Education Department,
Mantraalaya, Mumbai.
2. The Director of Education (Primary)
Maharashtra State, Pune.
3. The Deputy Director of Education,
Nasik Division, Nasik.

4. The Headmaster,
Dr. V.M. Jain Madhyamik Vidyalaya,
Parola, Taluka Parola,
District Jalgaon.

5. The Union of India.

...RESPONDENTS

.....
Mr. S.R. Barlinge, Advocate for petitioners
Mr. P.S. Patil, AGP for respondents No. 1 to 3
Mr. D.G. Nagode, Advocate for respondent No. 4
Mr. S.B. Deshpande, ASG for respondent No. 5
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**CORAM : R.M. BORDE AND
K.K. SONAWANE, JJ.**

DATED : 24th OCTOBER, 2016.

ORAL JUDGMENT :- [Per : R.M. Borde, J.]

1. Heard.
2. Rule. Rule made returnable forthwith. With the consent of the appearing parties, petitions are taken up for final decision at admission stage.
3. This petitions arise out of identical facts and circumstances of the writ petition bearing No. 1030 of 2016 (*Shaikh Nasim S/o Shaikh Ahmed Vs. The Union of India and others*) and other companion matters, decided on 25-08-2016. The Division Bench of this court, while deciding writ petition bearing No. 1030 of 2016 and other companion matters under judgment and order 25-08-2016, in paragraphs No. 18 to 20 has observed, which read as under :

“18. In the light of the discussion in forgoing paragraphs, we are convinced that in utter disregard to the principles of

natural justice, without application of mind and by arbitrary exercise of powers, the Director of Education has withdrawn approvals granted to the services of the petitioners. On this ground alone, all the petitioners deserve to be allowed, without touching to the merits of the matter.

19. In that view of the matter, we do not propose to examine the other aspects which are agitated by the petitioners on merits. In that view of the matter, we are of the considered opinion that the impugned orders appear to be result of arbitrary exercise of powers and suffer from not assigning reasons, deserve to be quashed and set aside. Accordingly, the impugned orders passed by the Director of Education withdrawing the approvals to the services of the petitioners, stand quashed and set aside. The approvals granted to the services of the petitioners stand restored. Needless to observe that, as a corollary of quashing and setting aside the impugned orders withdrawing the approvals, the petitioners would be entitled for salary for the period for which they have rendered services and will continue to draw salary, if they are rendering services in the respective institutions. Needless to observe that since the approvals granted to the service of the petitioners have been restored by this Court, the respondents are directed to ensure that the petitioners in whose cases the approvals have been restored, and in whose cases the approvals are pending consideration, should be disbursed the arrears of salary due and payable after verifying their record of attendance, as expeditiously as possible, however, within two months from today, we make it clear that respondent Nos. 2 to 4 in writ petition No. 1030/2016 will be held responsible for implementation of directions issued herein before including disbursement of the amount towards

salary.

20. The Rule is made absolute to above extent. The writ petitions stand disposed of accordingly. Civil Applications, if any stands disposed of.”

4. Since instant petitions arise out of similar set of facts and circumstances, the same can also be conveniently disposed of in view of the reasons recorded in writ petition bearing No. 1030 of 2016 and other companion matters by issuing identical directions.

5. In the circumstances, impugned orders passed by the Director of Education withdrawing the approvals to the services of petitioners stand quashed and set aside. Approvals granted to the services of the petitioners stand restored. As a corollary of quashing and setting aside the impugned orders withdrawing the approvals, the petitioners would be entitled for the salary for the period for which they have rendered services and will continue to draw salary subject to condition that they continue to render services in respective institutions. It would be responsibility of respondents to draw and disburse arrears of the salary due payable after verifying their record of attendance, as expeditiously as possible, preferably within a period of two months from today and it is accordingly directed.

6. Rule is made absolute in above terms. Writ petitions stand disposed of accordingly. No costs.

[K. K. SONAWANE, J.]

[R.M. BORDE, J.]