

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.2634/2005

Gangadhar Moglaje Mehtre,
Age: 34 years, Occ.:Service
as Assistant Teacher,
R/o Mulzara,
Tq.Kinwat, Dist.Nanded

...Petitioner

Versus

1] The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

2] The Commissioner
for Adivasi Vikas,
Adivasi Vikas Bhawan,
Old Agra Road, Nasik,
Dist.Nasik.

3] The Assistant Commissioner,
Adivasi Vikas, Amrawati,
Dist.Amravati.

4] The Project Officer,
Ekatmik Adivasi Vikas Prkalp,
Kinwat, Tq.Kinwat,
Dist.Nanded.

5] The Director,
Council for Education Research
& Postal D.Ed.Course Training,
Maharashtra State,
Central Building, Pune.
Dist.Pune.

6] Subh Sandesh Shikshan Prasarak
Mandal, Deglur, Dist.Nanded.
Through it's President/Secretary.

- 2 -

7] Adiwasi Ashram School,
Mulzara, Tq.Kinwat,
Dist.Nanded.
Through it's Headmaster.

..Respondents

WRIT PETITION NO.2759/2005

Sanjaykumar Sampatrao Munde,
Age:24 Years, Occ: Service,
as Assistant Teacher.
R/o Ghogari, Post.Ghogari,
Tq.Hadgaon, Dist.Nanded.

..Petitioner.

Versus

1] The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

2] The Commissioner
for Adivasi Vikas,
Adivasi Vikas Bhawan,
Old Agra Road, Nasik,
Dist.Nasik.

3] The Assistant Commissioner,
Adivasi Vikas, Amrawati,
Dist.Amravati.

4] The Project Officer,
Ekatmik Adivasi Vikas Prkalp,
Kinwat, Tq.Kinwat,
Dist.Nanded.

5] The Director,
Council for Education Research
& Postal D.Ed.Course Training,
Maharashtra State,
Central Building, Pune.
Dist.Pune.

- 3 -

6] Ramaji Metkar Andh Adivasi
Vidyarthi Vastigraha, Tamsa,
Tq.Hadgaon,Dist.Nanded.
Through it's President/Secretary.

7] Shri Chatrapati Shivaji Maharaj
Adiwasi Ashram School,
Ghogari, Tq.Hadgaon,
Dist.Nanded.
Through it's Headmaster.

..Respondents.

WRIT PETITION NO.3045/2005

Sharad Shridharrao Deshmukh,
Age: 33 years, Occ:Service
as Assistant Teacher,
R/o Bedri, Post.Matul,
Tq.Bhokar,Dist.Nanded.

..Petitioner

Versus

1] The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

2] The Commissioner
for Adivasi Vikas,
Adivasi Vikas Bhawan,
Old Agra Road, Nasik,
Dist.Nasik.

3] The Assistant Commissioner,
Adivasi Vikas, Amrawati,
Dist.Amravati.

4] The Project Officer,
Ekatmik Adivasi Vikas Prakalp,
Kinwat, Tq.Kinwat,
Dist.Nanded.

- 4 -

5] The Director,
Council for Education Research
& Postal D.Ed.Course Training,
Maharashtra State,
Central Building, Pune.
Dist.Pune.

6] Late.Venkatrao Deshmukh Shilvanikar
Shikshan Prasarak Sanstha,
Shilwani,Tq.Degloor, Dist.Nanded.
Through its President/Secretary.

7] Late. Venkatrao Deshmukh Adivasi
Ashram School, Bendri,
Tq.Bhokar, Dist. Nanded.
Through it's Headmaster.

.. Respondents..

WRIT PETITION NO.6764/2005

1] Manik S/o Jayaji Gutthe,
Aged 29 years, Occ: Service,
R/o C/o Santosh Baliram Gutthe
Pensionpura, Katke Gully
Near Maruti Temple, Hingoli.

2] Keshav Kashinath Nagre
Aged 32 years, Occu: Service,
Pensionpura, Katke Gully,
Near Maruti temple, Hingoli.

3] Sanjay Khobraji Kale
Aged 30 years, occu: Service,
Pensionpura, Katke Gully,
Near Maruti temple, Hingoli.

..Petitioners.

Versus

1] The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

- 5 -

2] The Additional Commissioner,
Tribal Development, Amravati.

3] The Project Officer,
Integrated Tribal Development Project,
Kinwat, Dist. Nanded.

4] Kedarnath Shikshan Prasarak Mandal,
Hingoli (Through its President
Shri Vilasraoji Nagnathrao Gundewar
Aged 58 years, Occu. Social Work
R/o Shivaji Nagar, Venkateshwara Building
Hingoli)

5] The Headmaster,
Shri Sharda Adivasi Ashram School
Dholkyachiwadi Tq. Kalamnoorie,
Dist. Hingoli.

6] The Director,
Maharashtra Council for Educational
Research & Training,
Sadashivpeth Pune-30.

.. Respondents.

=====

.....

Shri R.R. Suryawanshi, Advocate for petitioners in WPs
2634/05, 2759/05 and 3045/05.

Shri U.R. Aute, Advocate h/f Shri S.B. Talekar, Advocate
for petitioner in WP 6764/05.

Shri B.V. Wirdhe, AGP for respondent nos.1 to 4.

Shri M.V. Deshpande, Advocate for respondent nos.6 & 7 in
WP 2634/05.

Shri N.S. Kadam, Advocate for respondent no.6 in WP
3045/05.

.....

**CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.**

DATE: 30.09.2016

ORAL JUDGMENT (Per S.V. Gangapurwala, J.):

1] All these writ petitions are based on similar set of facts. As such to avoid *rigmarole*, they are decided together.

2] The petitioners in these petitions seek directions against the respondents to grant approval to the appointment of the petitioners and to release salaries so also to give admission to the postal D.Ed. course.

3] Mr.R.R.Suryawanshi, learned counsel for the petitioners states that all these petitioners are appointed prior to the academic year 1999-2000 and the appointments of the petitioners were approved by the Project Officer, however, approval for further period was not granted. Even admission to the postal D.Ed. was being refused. The same was illegal. Pursuant to the interim orders passed, the petitioners are in service.

4] The learned AGP submits that the conflicting resolutions are issued by the two departments of the Government, which lay down different norms. The School Education Department, which conducts the postal D.Ed. course has granted the benefit of admission to postal D.Ed. course to only such of the candidates whose initial

- 7 -

appointment is prior to June, 1997. According to the learned AGP, in view of the said Government resolution, the petitioners could not be admitted to postal D.Ed. course.

5] We have considered the submissions canvassed by the learned counsel for the respective parties.

6] This Court vide order dated 17.10.2005 had directed the respondents to consider the cases of the petitioners in all these petitions for admission to the postal D.Ed. course. This Court had also under the said order directed the respondents not to terminate the services of the petitioners on the ground that they are not trained teachers. The said interim orders still continue.

7] It is more than 11 years, the interim orders are in force. Pursuant to the interim orders, the petitioners would have now completed postal D.Ed. course.

8] The interim order directing the respondents not to terminate the services of the petitioners was also restricted i.e. that they should not be terminated on the ground that they are not trained teachers. The respondents were not restrained to take action on other counts.

- 8 -

9] Considering the fact that the purpose of the writ petitions stood served by the interim orders only, it is not necessary to poke in further in the matter.

10] In view of the above, the writ petitions are disposed of in terms of the interim orders passed. Rule is made absolute in above terms. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)