

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

WRIT PETITION NO. 10677 OF 2016

1. Smt. Deepali d/o Nanasaheb Pawar
Age: 30 years, service,
Presently working as Special Teacher
in Kavi Kusumagraj Madhyamik Vidyalaya,
Arthe, Taluke Shirpur, District Dhule.
2. Bhikan Devidas Patil,
Age: 32 years, Occu. Service,
Presently working as Special Teacher,
in Kavi Kusumagraj Madhyamik Vidyalaya,
Arthe, Taluka Shirpur, District Dhule.
3. Seemaben Kadurao Rokde,
Age: 34 years, Occu. Service,
Presently working as Special Teacher,
Shankar Pandu Mali Madhyamik
Vidyalaya, Warwadi, Taluka Shirpur,
District Dhule.
4. Keshav Santosh Patil,
Age: 34 years, occu. Service,
Presently working as Special Teacher,
Shankar Pandu Mali Madhyamik vidyalaya,
Warwadi, Taluka Shirpur,
District Dhule.
5. Prashant S/o Subhash Gujar,
Age: 32 years, Occu. Service,
Presently working as Special Teacher,
Sow Savitrabai Randhe Kanya Vidyalaya,
Shirpur, District Dhule.
6. Rohini d/o Sambhaji Salunke,
Age: 30 years Occu. Service,
Presently working as Special Teacher,
Sow Savitrabai Randhe Kanya Vidyalaya,
Shirpur, District Dhule.
7. Jagdish Kisan Borse,
Age: 36 years Occu. Service,
Presently working as Special Teacher,
Pandit Jawaharlal Nehru
Madhyamik Vidyalaya, Boradi,
Taluka Shirpur, District Dhule.

8. Sheetal S/o Gulabrao Patil,
Age: 34 years, Occu. Service,
Presently working as Special Teacher,
Pandit Jawaharlal Nehru
Madhyamik Vidyalaya, Boradi,
Taluka Shirpur, District Dhule.
9. Kiran Amrut Patil,
Age: 36 years Occu. Service,
Presently working as Special Teacher,
Sant Gadge Maharaj Madhyamik Vidyalaya,
Thalner, Taluka Shirpur,
District Dhule.
10. Smt. Kavita d/o Amrutrao Patil,
Age: 30 years, occu. Service,
Presently working as Special Teacher,
Jijamata Kanya Secondary and Higher
Secondary School, Dhule.

...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 Union of India.
5. The Headmistress,
Kavi Kusumagraj Madhyamik Vidyalaya,
Arthe, Taluka Shirpur, District Dhule.
6. The Headmaster,
Shankar Pandu Mali Madhyamik Vidyalaya,
Warwadi, Taluka Shirpur,
District Dhule.

7. The Headmaster,
Sow Savitrabai Randhe Kanya Vidyalaya,
Shirpur, District Dhule.
8. The Headmaster,
Pandit Jawharlal Nehru
Madhyamik Vidyalaya, Boradi,
Taluka Shirpur, District Dhule.
9. The Headmaster,
Sant Gadge Maharaj Madhyamik Vidyalaya,
Thalner, Taluka Shirpur,
District Dhule.
10. The Headmaster,
Jijamata Kanya Secondary
and Higher Secondary School, Dhule ...RESPONDENTS

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Mr. S.R. Barlinge, Advocate for petitioners
 Mr. K.N. Lokhande, AGP for respondents No. 1 to 3
 Mr. S.B. Deshpande, ASG for respondent No. 4

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**CORAM : R.M. BORDE AND
K.K. SONAWANE, JJ.**

DATED : 20th OCTOBER, 2016.

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

1. Heard.
2. Rule. Rule made returnable forthwith. With the consent of the appearing parties, petition is taken up for final decision at admission stage.
3. This petition arises 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 petition arises 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 petition stands disposed of accordingly.

[K. K. SONAWANE, J.]

[R.M. BORDE, J.]

MTK