

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4902 OF 2016
WITH
WRIT PETITION NO.4904 OF 2016

Sadhana d/o Dattatraya Sandbhor and Anr. ...Petitioners

vs.

State of Maharashtra and Others ...Respondents

Mr. A.R. Kapadnis a/w. Mr. B.S. Shinde, for the Petitioners

Ms. Nisha Mehra, AGP for Respondent No. 1-State.

Mr. Pankaj Pandey, for Respondent Nos. 2 and 3.

CORAM : SHANTANU S. KEMKAR &
PRAKASH D. NAIK, JJ.

DATE : **DECEMBER 13, 2016**

P.C.:

. Rule. Rule made returnable forthwith. By consent, Writ Petitions are forthwith taken up for final hearing and disposal.

2. Heard the learned Counsel appearing for the respective parties. Both the Petitions are decided by this common order.

3. The Petitioners claims that they were appointed as Shikshan Sevaks in Respondent No.2-Zilla Parishad and are presently working thereat. The Petitioners are seeking transfer to Zilla Parishad,

Pune on the basis of Government Resolution dated 29th September 2011.

4. Learned Counsel appearing for the Petitioners states that the question involved in these writ petitions has been considered and decided by the Division Bench of this Court by its judgment dated 3rd March 2015 in the case of Lilabai Vasant Talekar vs. C.E.O, Zilla Parishad, Pune [Writ Petition No. 5779 of 2014.

5. Learned Counsel for the Petitioners has pointed out that Respondent No.1 has filed an affidavit in which they have given details about the Petitioners in all these petitions. On the basis of the aforesaid, he submits that the Petitioners are similarly situated with the Petitioner in writ petition in Lilabai's case (supra). This fact is not disputed by the learned Counsel appearing for Respondent No.1.

6. Having heard submissions of the learned Counsel appearing for the respective parties and having gone through the documents placed on record and the judgment of this Court in Lilabai's case (supra), we are of the view that case of the Petitioners

herein is similar to the Petitioner in Lilabai's case (supra). In the circumstances, for the reasons stated in the order of this Court in Lilabai's case (supra), we allow all these writ petitions and direct the Zilla Parishad, Pune to absorb the Petitioners in any of its schools on the same terms and conditions on which the Petitioners are presently working in their respective Zilla Parishads. That exercise be done by Pune Zilla Parishad on or before 15th January, 2017. As soon as Pune Zilla Parishad informs the Petitioners about his/her absorption in any of its specified schools, the Zilla Parishads, where the Petitioners are presently working, should relieve the Petitioners from the post on which he/she is working in the respective Zilla Parishads.

7. Rule is made absolute in the aforestated terms.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)