IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12032 OF 2015

Smt. Jaylata Ashok Desai ....Petitioner
versus
The State of Maharashtra and ors. ...Respondents

with

WRIT PETITION NO. 4518 OF 2015

Shri Ranjit Vasant Bugade ....Petitioner
versus
The State of Maharashtra and ors. ...Respondents

with

WRIT PETITION NO. 4507 OF 2015

Shri Dhondu Vilas Bidye ....Petitioner
versus
The State of Maharashtra and ors. ...Respondents

with

WRIT PETITION NO. 11980 OF 2015

Shri Tushar Tukaram Desai ....Petitioner
versus
The State of Maharashtra and ors. ...Respondents

with

WRIT PETITION NO. 4508 OF 2015

Shri Imran Mahamood Nawab ....Petitioner
versus
The State of Maharashtra and ors. ...Respondents

Mr. Narendra V. Bandiwadekar along with Mandar G. Bagkar and Mr. Sagar Mane,, advocates for the petitioner in all the petitions.
Mr. V. M. Mali, AGP for the State.

CORAM : RANJIT MORE &
A. S. GADKARI, JJ.
DATE : 12th AUGUST, 2016.

P. C. :

Writ Petition No.4508 of 2015 is not on board. Since the connected matters are on board, the said petition is also taken up for hearing.

2. Heard Mr. Bandiwadekar, learned counsel for the petitioners and Mr. Mali, learned AGP for the State.

3. Since the issue involved in these petitions is similar, same are disposed of by this common order.

4. The petitioners have been appointed initially as Shiksan Sevaks and now working as Assistant Teachers with respondent No.6 after due approval from the concerned authority. Respondent No.4 – the Superintendent, Pay and PF Unit (Secondary), Dist.Sindhudurg, by passing the impugned orders, stopped the salaries of the petitioners on the ground that an enquiry is proposed to be held through the Chairman, Secondary and Higher Secondary Board, Kolhapur regarding individual approval granted by the Education Officer – Shri Atugade to the petitioners. This enquiry is proposed on the basis of the complaints from Maharashtra Rajya Castetribe Karmachari Kalyan Mahasangh.

5. There is no dispute that the petitioners have been working till date as Assistant Teachers with respondent No.6. Though the impugned orders were passed on 6th April, 2015/10th-16th March, 2015, till today, no enquiry has been initiated as proposed under the impugned orders. We are, therefore, of the opinion that the orders directing stopping of the petitioners' salaries are bad in law and illegal.

6. At this stage, it is worth to mention that similarly situated Assistant Teachers also filed writ petition No. 3840 of 2015 and connected writ petitions challenging the very same order which is impugned in the instant petitions. Those petitions were allowed by the Division Bench of this Court on 17th April, 2015 and the order impugned was quashed and set-aside qua those petitioners.

7. Accordingly, we allow these petitions in terms of prayer clause (b). Consequently, the impugned orders are quashed and set-aside. Respondent Nos. 3 and 4 are directed to release the arrears of salaries of the petitioners within a period of one week from the date of receipt of this order and further continue to pay them regular salaries. The writ petitions stand disposed of accordingly.

8. It is made clear that the respondents are at liberty to initiate proceedings or continue enquiry against the petitioners in accordance with law.

(A. S. GADKARI, J.) **[RANJIT MORE, J.]**