

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 684/2016

(TAPASWI KASHINATHBABA SANSTHAN, WAIGAU & OTHERS **VERSUS** STATE OF
 MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri H.A. Deshpande, counsel for the petitioners.
 Shri A.M. Joshi, A.G.P. for the respondents.

CORAM : SMT.VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : JULY 01, 2016.

By this writ petition, the petitioners challenge the order of the respondent no.3-Education Officer, Zilla Parishad, Yavatmal, dated 18.11.2015, canceling the approval to the appointment of the petitioner nos.3 and 4.

Shri Deshpande, the learned counsel for the petitioners, state that the issue involved in this writ petition was also involved in a bunch of writ petitions bearing Writ Petition No.6606 of 2015 and others, and this Court has, by the judgment dated 17.06.2016, partly allowed the said writ petitions and quashed and set aside similar impugned orders and issued some further directions against the respondent-Education Officer. The learned counsel seeks a similar order in this case also, on parity.

Shri Joshi, the learned Assistant Government Pleader appearing for the respondents, does not dispute the factual statements made on behalf of the petitioners. It is admitted that the issue involved in this case stands covered in favour of the petitioners by the judgment dated 17.06.2015 in a bunch of writ petitions bearing Writ Petition No.6606 of 2015 and others.

In view of the statements recorded hereinabove and for the reasons recorded in the judgment dated 17.06.2015 in a bunch of writ petitions bearing Writ Petition No.6606 of 2015 and others, we partly allow this writ petition. The impugned order is quashed and set aside. The Deputy Director of Education is directed to make a proper enquiry into the matter to find out whether the petitioners have acted in collusion with the concerned Education Officer against whom action is initiated by the State Government. The Deputy Director of Education shall also find out whether surplus teachers were available for filling up the posts that were occupied by the petitioner nos.3 and 4. The said exercise should be completed within a period of four weeks. We direct the respondents to pay the unpaid salary of the petitioner nos.3 and 4 for a period of three months, within a period of one month and at the end of the enquiry pass appropriate orders in the matter of grant of approval. The petitioner nos.3 and 4 would be at liberty to claim the remaining unpaid salary from the management. If the approval is granted, the management would be free to claim the reimbursement of the salary from the State Government.

Order accordingly. No costs.

JUDGE

JUDGE