

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

WRIT PETITION NO. 10127 OF 2016

Laxman Babasaheb Waghmare .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Santosh B. Gastgar, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 to 3.

Shri M. V. Salunke, Advocate for Respondent Nos. 4 and 5.

WITH

WRIT PETITION NO. 10129 OF 2016

Suchita Dyanoba Kalyankar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Santosh B. Gastgar, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 to 3.

Shri M. V. Salunke, Advocate for Respondent Nos. 4 and 5.

WITH

WRIT PETITION NO. 10130 OF 2016

Dipika Dadasaheb Shinde .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Santosh B. Gastgar, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 to 3.

Shri M. V. Salunke, Advocate for Respondent Nos. 4 and 5.

WITH

WRIT PETITION NO. 10131 OF 2016

Sachin Prabhakar Sontakke .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Santosh B. Gastgar, Advocate for the Petitioner.
Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 to 3.
Shri M. V. Salunke, Advocate for Respondent Nos. 4 and 5.

WITH
WRIT PETITION NO. 10132 OF 2016

Shyamsunder Sitaram Thamke .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Santosh B. Gastgar, Advocate for the Petitioner.
Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 to 3.
Shri M. V. Salunke, Advocate for Respondent Nos. 4 and 5.

WITH
WRIT PETITION NO. 10128 OF 2016

Sakharam Ashok Kachgunde .. Petitioner
Versus

The State of Maharashtra and others .. Respondents

Shri Santosh B. Gastgar, Advocate for the Petitioner.
Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 to 3.
Shri M. V. Salunke, Advocate for Respondent Nos. 4 and 5.
Shri K. J. Suryawanshi, Advocate for the Respondent No. 5.

CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.
DATE : 04TH SEPTEMBER, 2017.

FINAL ORDER :

. Mr. Gastgar, the learned counsel for petitioners submits that, all these petitioners are appointed after following due selection process as Shikshan Sevaks. The appointments of petitioners as Shikshan Sevak are approved by the Education Officer, however, the salary bills of the petitioners are not released. The petitioners have also given applications/representations from time to time to grant approval to the appointments of the petitioners as Assistant Teachers. The same is also not considered.

2. The learned Assistant Government Pleader submits that, the Education Officer has filed an affidavit clarifying that the Head Master has communicated to the Education Officer that the monthly pay bills of the working employees are not pending and the petitioners are not working. Their names are also not shown in the list of teaching and non teaching staff.

3. We have also heard the learned counsel for respective respondents.

4. It appears that, the dispute is with regard to the person officiating as Head Master of the school. The parties are disputing about the status of the person working as Head Master.

5. According to the petitioners, enquiry was conducted on

12.06.2014. The report was also submitted by the Deputy Education Officer (Secondary) holding that the petitioners are duly appointed and working. There appears to be dispute with regard to record and the person officiating.

6. It would not be possible for this Court in its writ jurisdiction under Article 226 of the Constitution to embark upon the investigation of these facts.

7. In the light of above, we direct the Deputy Director of Education (Secondary) that is respondent No. 2 to consider the rival claims. The orders of approval, if any, passed and then take decision about the payment of the salary bills of the petitioners. In case, if any proposal is received with regard to the continuation of service of the petitioners as Assistant Teachers, then the same shall be dealt with by the authorities in accordance with law. The Deputy Director of Education shall take decision as directed above expeditiously and preferably within a period of four (04) months from today. The parties may appear before the Deputy Director of Education on 15th September, 2017. The writ petitions as such are disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]