

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

WRIT PETITION NO. 2273 OF 2017

Sima d/o Shalikrao Patil, Age 32 Years,
Occupation Service, C/o Plot No. 3B,
LIC Colony, Behind Hotel Samrat, Dhule
Road, Amalner, Tq. Amalner, Dist. Jalgaon

...PETITIONER

V E R S U S

1. The Union of India, Through its Secretary,
Human Research Development, School
Education & Literacy Department, Delhi
2. The State of Maharashtra, Through its
Secretary, School Education Department,
Mantralaya, Mumbai-32
3. The Director of Education (Primary), 17,
Dr. Ambedkar Marg, Maharashtra State
Council of Examination, Pune-01
4. The Deputy Director of Education, Nashik
Region, Nashik
5. The Education Officer (Secondary), Zilla
Parishad, Jalgaon, Taluka & Dist. Jalgaon
6. Gramvikas Shikshan Sanstha, Mudi, Tq.
Amalner, District Jalgaon, Through its
President
7. Z.D. Sonawane High School, Mudi, Taluka
Amalner, District Jalgaon, Through its
Head Master

...RESPONDENTS

W I T H

WRIT PETITION NO. 2274 OF 2017

Prashant s/o Ramkrushna Patil, Age 37 Years,
Occupation Service, C/o Plot No. 3B,
LIC Colony, Behind Hotel Samrat, Dhule
Road, Amalner, Tq. Amalner, Dist. Jalgaon

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Region, Nashik
5. The Education Officer (Secondary), Zilla
Parishad, Jalgaon, Taluka & Dist. Jalgaon
6. Gramvikas Shikshan Sanstha, Mudi, Tq.
Amalner, District Jalgaon, Through its
President
7. Z.D. Sonawane High School, Mudi, Taluka
Amalner, District Jalgaon, Through its
Head Master

...RESPONDENTS**W I T H****WRIT PETITION NO. 2276 OF 2017**

Manoj s/o Bhagwan Mali, Age 37 Years,
Occupation Service, C/o at post
Ambapimpri, Taluka Parola, District
Jalgaon

...PETITIONER

V E R S U S

1. The Union of India, Through its Secretary,
Human Research Development, School
Education & Literacy Department, Delhi
2. The State of Maharashtra, Through its
Secretary, School Education Department,
Mantralaya, Mumbai-32
3. The Director of Education (Primary), 17,
Dr. Ambedkar Marg, Maharashtra State
Council of Examination, Pune-01
4. The Deputy Director of Education, Nashik
Region, Nashik
5. The Education Officer (Secondary), Zilla
Parishad, Jalgaon, Taluka & Dist. Jalgaon
6. Gramvikas Shikshan Sanstha, Mudi, Tq.
Amalner, District Jalgaon, Through its
President
7. Late H.P. Patil Madhyamik Vidyalaya,
Ambapimpri, Taluka Parola, Dist. Jalgaon,
Through its Head Master

...RESPONDENTS

.....
 Mr. Pathan Hamzakhan I., Advocate for the petitioners
 Mr. (JPE) Ansingkar Dipali S, Addl.G.P. for respondent No.1
 Mr. V.M. Kagne, A.G.P. for respondents/State

**CORAM : S.V. GANGAPURWALA AND
K.L. WADANE, JJ.**

DATED : 20th FEBRUARY, 2017

ORAL JUDGMENT :- [Per : S.V. Gangapurwala, 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 dated 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.L. WADANE, J.]

[S.V. GANGAPURWALA, J.]