

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

WRIT PETITION NO.12243 OF 2016

Chandrakant s/o. Pundlikrao Pawar ..Petitioner

Vs.

The State of Maharashtra and ors. ..Respondents

AND

WRIT PETITION NO.11003 OF 2016

WITH

CIVIL APPLICATION NO.15849 OF 2016

Shripat Bhagwanrao Dhage and ors. ..Petitioners

Vs.

The State of Maharashtra and ors. ..Respondents

AND

WRIT PETITION NO.12210 OF 2016

Shubhagini d/o. Diliprao Jadhav
and ors. ..Petitioners

Vs.

The State of Maharashtra and ors. ..Respondents

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Mr.V.S.Panpatte, Advocate for petitioners in all
petitions

Mr.A.N.Nagargoje, Advocate for respondent no.5 in
W.P.Nos.11210 of 2016 and 11003 of 2016

Mr.A.V.Deshmukh, AGP for State

**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : APRIL 03, 2017

PER COURT :

Heard.

2. Mr.Panpatte, learned Counsel for the petitioners submits that the petitioner in Writ Petition No.12243 of 2016 has been appointed as a Peon and approval to his appointment is granted, whereas the petitioners in other two Writ Petitions have been appointed as Shikshan Sevaks and approval to their appointments also is granted, however, the names of all these petitioners are not included for on-line payment. He submits that the respondents may be directed to include the names of the petitioners for on-line payment.

3. The learned AGP submits that all these petitioners are appointed without following the due procedure of law. They are appointed during

the period when there was ban on recruitment and surplus candidates were required to be absorbed. As the appointments of the petitioners are illegal, salary is not paid to them. An affidavit-in-reply is filed by the respondent – Education Officer in Writ Petition No.11003 of 2016. The affidavit nowhere states that the approval granted in favour of the petitioners has been cancelled. In view of this, the approval to the appointments of the petitioners is in-tact. Now, if the approval is to be cancelled, the same can be done only after hearing the petitioners. Till the approval to the appointments of the petitioners is in-tact, the petitioners would be entitled to get salary/honorarium.

4. In the light of the above, we pass the following order :-

(i) The respondents concerned shall include the names of the petitioners for on-line payment

and shall release their salary/honorarium, of Course, in case there is no other impediment. This order is passed as approval to appointments of the petitioners is in-tact.

(ii) With these directions, the Writ Petitions stand disposed of. No costs.

(iii) Pending Civil Application also stands disposed of.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]

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