

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.815 of 2017**

Shri Bapu Gorak Bansode And Another      ...      Petitioners  
Versus  
The State of Maharashtra And Others      ...      Respondents

**WITH  
WRIT PETITION NO.816 of 2017**

Shri Santosh Bhagwan Waghmare  
And Another      ...      Petitioners  
Versus  
The State of Maharashtra And Another      ...      Respondents

**WITH  
WRIT PETITION NO.817 OF 2017**

Shri Amol Vithalrao Kharat & Another      ...      Petitioners  
Versus  
The State of Maharashtra And Another      ...      Respondents

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Mr. Sagar Mane i/b N.V. Bndiwadekar for the Petitioners.  
Ms. K.R. Kulkarni, AGP of the Respondents.

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**CORAM : PRASANNA B. VARALE, J.**

**DATE : 28 SEPTEMBER 2017**

**P.C. :**

.      Writ Petition No.815 of 2017 is de-tagged from the bunch of these three petitions. Writ Petition Nos.816 of 2017 and 817 of 2017 are taken up with consent of the parties.

2      Learned Counsel for the Petitioners invited my attention to the judgment and order of this Court dated 14 September 2017 in bunch of Petitions, namely, Writ Petition No.2968 of 2017 and other petitions. Learned Counsel submitted that issue involved in these petitions is an identical issue involved in the bunch of those petitions. Learned Counsel appearing for the Petitioner submitted that this Court by considering the judgment and order of Division Bench of this Court in the group of petitions, namely, Writ Petition No.8587 of 2016 and other connected writ petitions, directed the Education Officer to examine the case of the Petitioners. Learned Counsel submitted that Division Bench of this Court carved out three categories and the Education Officer is directed to consider the cases of the Petitioners and decide the claim if these Petitions falls in the categories-(a), (b) and (c) and then to grant approval. This Court also observed that the exercise to be undertaken within the stipulated period and by giving opportunity of hearing to the management. Though learned AGP appearing for the State made an attempt to submit before this Court that in view of the affidavit in reply filed in Writ Petition No.816 of 2017, the Petitioners should not be entitled for any directions as the appointments were made after 2 May 2012 without receiving no objection certificate. The opposition of the learned AGP cannot sustain for

the simple reason that the very issue was before Division Bench of this Court and Division Bench in Writ Petition No.8587 of 2016 issued certain directions and directed the Education Officer to undertake the exercise and accordingly, if the Petitioners falls in the categories carved out by Division Bench, the Education Officer shall to pass suitable orders. Considering these facts, I am of the opinion that these petitions also can be disposed of in view and on the line of the judgment and order of this Court dated 14 September 2017.

3       The impugned order in the petitions passed by the Education Officer is set aside. The Education Officer is directed to examine cases of all these petitions, who claim to be falling in the categories, (a), (b) and (c) as referred to above and grant the approval. Needless to state that after hearing the management the exercise be undertaken within a period of six weeks from the date of the order of this Court. Upon grant of approval, necessary steps would be taken for payment of salary to such of the teachers who were found eligible and salaries will be paid to them within a period of 12 weeks from the decision of the Education Officer.

4       Writ Petition Nos.816 of 2017 and 817 of 2017 are allowed and disposed of accordingly in above terms.

**(PRASANNA B. VARALE, J.)**