

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1041 OF 2006

UDAY ADAGONDA PATIL)...PETITIONER

V/s.

**THE CHAIRMAN/SECRETARY)
SHREE BAHUBALI VIDYAPEETH & ORS.)...RESPONDENTS**

WITH

WRIT PETITION NO.1042 OF 2006

ANIL NABHIRAJ HINGALAJE & ORS.)...PETITIONERS

V/s.

**THE CHAIRMAN/SECRETARY)
SHREE BAHUBALI VIDYAPEETH & ORS.)...RESPONDENTS**

WITH

WRIT PETITION NO.1043 OF 2006

GUNDA BHAUSAHEB BHOKARE AND ANR.)...PETITIONERS

V/s.

**THE CHAIRMAN/SECRETARY)
SHREE BAHUBALI VIDYAPEETH & ORS.)...RESPONDENTS**

WITH

WRIT PETITION NO.1044 OF 2006

SHRI PADMABHUSHAN DHANPAL)
BHARAMGONDA)...PETITIONER

V/s.

THE CHAIRMAN/SECRETARY)
SHREE BAHUBALI VIDYAPEETH & ORS.)...RESPONDENTS

WITH

WRIT PETITION NO.1045 OF 2006

SANGITA BABASAHEB CHOUGULE & ANR.)...PETITIONERS

V/s.

THE CHAIRMAN/SECRETARY)
SHREE BAHUBALI VIDYAPEETH & ORS.)...RESPONDENTS

WITH

WRIT PETITION NO.1046 OF 2006

VANDANA ANNASAHEB VANJULE)...PETITIONER

V/s.

THE CHAIRMAN/SECRETARY)
SHREE BAHUBALI VIDYAPEETH & ORS.)...RESPONDENTS

None for the Petitioners.

Mr.M.S.Topkar, Advocate for Respondent Nos.1 and 2.

Mrs.M.S.Bane “B” Panel Counsel, for Respondent Nos.4 to 6.

**CORAM : S.V.GANGAPURWALA &
A. M. BADAR, JJ.**

DATE : 20th JULY 2017

P.C. :

1 The petitioners in all these petitions assail the order dated 14th October 2005 and 19th December 2005.

2 The petitioners were initially working on unaided post and subsequently were transferred to the aided post. It appears that there is no dispute with regard to the qualification of the petitioners and the eligibility of the post in the aided division. It is also nowhere the case of respondents that these petitioners were not appointed by following due process of law. It appears that, subsequently, directions were issued to claim recovery of the salary paid and that these persons are not to be considered on the aided post.

3 This court, on 21st August 2006, after hearing the arguments of the respective counsel, recorded the statement of AGP as under :

“After hearing the parties for some time, the learned AGP for Respondent Nos.3 to 6 categorically states that from the day the Petitioners joined the aided School, they will be paid their full salary. The learned AGP for Respondent Nos.3 to 6 further states that the payment of salary of the Petitioners will be made regularly, and their arrears will be paid within a period of six weeks from today.”

4 In view of the order passed, the respondents have agreed to pay regular salary to the petitioners along with arrears. Recovery would not be permissible from such Class III persons.

5 In light of above, in view of the statement made by the AGP, the petitioner would be paid the regular salary along with the arrears. It would not be appropriate to disturb the said position after a long slumber of eleven years.

6 In light of the above, we pass the following order :

- i) The impugned communication shall not operate as against the petitioners and they will be deemed to have continued on the aided post.
- ii) The writ petitions are disposed of in terms of paragraph 2 of the order dated 21st August 2006.
- iii) Rule is made absolute. No costs.

(A. M. BADAR, J.)

(S.V.GANGAPURWALA, J.)