

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

WRIT PETITION NO. 3012 OF 2006

Zareena Tabassum Ab. Subhan ... Petitioner
V/s.
Education Officer (Secondary),
Zilla Parishad, Nashik & Ors. ... Respondents

**AND
WRIT PETITION NO. 3031 OF 2006**

Shaikh Raziya Mohd. Jafer ... Petitioner
V/s.
Education Officer (Secondary),
Zilla Parishad, Nashik & Ors. ... Respondents

Mr. N.R. Bubna for the Petitioner.
Ms. Tanvi Kamat i/b, Mr. M.V. Limaye for Respondent Nos.2 and 3.
Mr. S.B. Kalel, A.G.P. for the State.

**CORAM : ANOOP V. MOHTA AND
MANISH PITALE, JJ.**

DATE : 7th NOVEMBER, 2017.

FINAL ORDER :

- 1 Called out from the final hearing board.
- 2 The learned counsel appearing for the Petitioner has pointed out that a Division Bench of this Court by order dated 11.04.2011 disposed of the Writ Petitions filed by similarly placed two other employees Ansari Nafisa Ali Ahmed (in Writ Petition

No.3011 of 2006) and Shri Pathan Noorjahan Habib Khan (in Writ

Petition No.3010 of 2006) by observing as under : -

“1 Counsel for the petitioners states that the petitioners would be more than content if the order dated 13.3.2006 passed by the Education officer (Secondary) Zilla Parishad, Nashik, is to be set aside and the said authority is directed to reconsider the matter afresh on its own merits and in accordance with law, after giving due opportunity to the management as well as to the petitioners before taking any final decision. Instead of setting aside the order as prayed, we direct the Education officer (Secondary) Zilla Parishad, Nashik to give expost facto opportunity to the petitioners and the management and pass appropriate order as may be advised. Needless to observe that in terms of this order, the Education officer will be entitled to reconsider the matter afresh on its own merits in accordance with law.

2 Accordingly, both the petitions as well as applications are disposed of with direction to the Education officer to finally dispose of the grievance of the petitioners and the management on or before 20.6.2011. This direction is issued on the assumption that the petitioners as well as management would extend their full cooperation for early disposal of the proceedings before the Education Officer. The petitioners as well as representative of the management shall appear in the office of the Education officer on 21.4.2011 at around 11.00 A.M. Education officer may proceed with the hearing or specify the schedule to ensure that a final decision is rendered before 20.6.2011. Petitions and applications are disposed of accordingly. Rule discharged.”

3 In view of above, we are inclined to dispose of the present Writ Petitions as other two employees against whom the

common order/communication dated 13.03.2006 was passed, as the same order was noted while passing the above order passed by the Division Bench. The Petitioner, therefore, being similarly placed and in view of the order and observation so made by the Division Bench of this Court, so recorded above, we are disposing of these Writ Petitions for the same reasons and with similar observations/directions. Learned counsel appearing for the Petitioner has fairly conceded to the situation that both these Petitioners have already resigned during the pendency of these Writ Petitions, therefore, whatever the service entitlement, if any, be restricted till the date of resignation.

4 To avoid further delay, we direct the parties to appear in the office of Education Officer on 04.12.2017 at around 11.00 a.m. The Education Officer to proceed with the hearing or take necessary steps accordingly, so that final decision can be rendered as early as possible preferably within further two months. The Writ Petitions are disposed of and Rule is made absolute in the aforesaid terms with no order as to costs.

(MANISH PITALE, J.)

(ANOOP V. MOHTA, J.)