

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5534/2016

(Bharat Chandusing Chauhan vs. Shri Sevadas Shikshan Sanstha and others)

AND

WRIT PETITION NO. 5535/2016

(Vandana Mohan Pawar vs. Shri Sevadas Shikshan Sanstha and others)

AND

WRIT PETITION NO. 5537/2016

(Shri Roshan Hemant Chavhan vs. Shri Sevadas Shikshan Sanstha and others)

AND

WRIT PETITION NO. 5538/2016

(Shri Sandip Deoman Khirade vs. Shri Sevadas Shikshan Sanstha and others)

AND

WRIT PETITION NO. 5536/2016

(Shri Avinash madhukar Pandhare vs. Shri Sevadas Shikshan Sanstha and others)

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

.....
S/Shri Anjan De/ R.S. Kurekar, Advocates for the petitioner/s
Ms. Tajwar Khan/ Ritu Kalia ; S/Shri Amit Chutke/ B.M.Lonare and P.S.
Thembhre, A.G.Ps. for Respondent-Education officer
Mr. V.K.Paliwal Advocate for Respondent no.2

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.**

DATED : 6th January, 2017

Heard.

Advocate De, appearing for petitioners states that petitioners have been appointed in the year 2012 after following proper procedure and though their employment is approved and they are working, they have not been paid salary.

Learned AGPs appearing for Respondent no.3-Education Officer is seeking time as they are still awaiting instructions.

Adv. Paliwal, appearing for respondent no.2-Headmaster is

strongly opposing the petitions. According to him, none of the petitioners are working and they are not appointed at all in the school. He is relying upon the reply-affidavit to urge that papers have been fabricated and advantage of those fabricated documents is being taken by petitioners. He states that other persons are properly selected and appointed and are working.

Advocate Kurekar, present in the Court informs that Writ petition No.5536/2016 is filed by a person identically situated. However, it was dismissed in default and has been restored thereafter. It is not listed today. He requests the Court that the matter may also be heard along with these Writ Petitions. Advocate Paliwal submits that he was appearing in that matter but after restoration he has not received any notice thereof. He is seeking time to obtain instructions from the respondent no.2.

After hearing the respective counsel, we find that a disputed question arises. According to petitioners before this Court they are working since 2012 and have not been paid salary. They rely upon approval to their appointment by respondent no.3-Education officer.

It is not in dispute that respondent no.2 before this Court is the Headmaster of that School and that Headmaster is being represented by Advocate Paliwal. The said Headmaster has come up with a case that other employees are working. The names of other persons working in the school are not disclosed. Approvals to their appointment by the Education officer are not produced on record.

In this situation, we find that interest of justice would be met with by directing the the petitioners or other similarly situated persons who have got appointment orders and approval in their favour, to appear before the respondent no.3-Education officer, on 30.1.2017. The respondent no.2 Headmaster shall also appear on that day before the respondent no.3 with necessary records. After perusal of records

and after hearing all, the respondent no.3 Education Officer shall try to find out the persons actually performing the duties in the school and whether they have been properly selected and appointed. This exercise shall be completed within next two months.

With these directions and keeping all the rival contention open, we dispose of the Writ Petitions.

In view of this order, Advocate Paliwal has no objection for disposing of Writ Petition No. 5536/2016 with similar orders. Accordingly, the said Writ Petition is taken on Board and it is also disposed of in terms of these directions.

Needless to mention that if petitioners are found to be working in the school with due approval, the respondent no.3-Education officer shall, within next two months, take necessary steps to see that their salaries, if due, are released to them, as per law.

Steno copy allowed.

JUDGE

JUDGE

safare