

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

WRIT PETITION NO.1719 OF 2017

Samadhan Gangadhar Godge,
Age : 30 years, Occu : Service as
Shikshan Sevak,
R/o At Post. Gortha,
Tq. Umri, Dist. Nanded.

... **Petitioner**

Versus

1. The State of Maharashtra,
Through Secretary,
Department of School Education,
Mantralaya Mumbai-32.
2. The Education Officer (Secondary)
Zilla Parishad, Nanded.
3. Shri. Lal Bahadur Shastri Shikshan
Sanstha, Umri, Tq. Umri,
Dist. Nanded, through its
President / Secretary.
4. The Head Master,
Shahu Maharaj High School,
Bhokar, Tq. Bhokar, Dist. Nanded. ... **Respondents**

WITH

WRIT PETITION NO.1726 OF 2017

1. Sachin Nagorao Haibate,
Age : 33 years, Occu : Service as
Shikshan Sevak,
R/o At Post. Talegaon,
Tq. Umri, Dist. Nanded.
2. Balaji Angadrao Sakhare,

Age : 33 years, Occu. Service as
Shikshan Sevak,
R/o Venkatesh Nagar, Umri
Tq. Umri, Dist. Nanded.

... **Petitioners**

Versus

1. The State of Maharashtra,
Through Secretary,
Department of School Education,
Mantralaya Mumbai-32.
2. The Education Officer (Secondary)
Zilla Parishad, Nanded.
3. Shri. Nutan Vidyalaya Sevabhavi
Education Society, Umri, Tq. Umri,
Dist. Nanded, through its
President / Secretary.
4. The Head Master,
Nutan Vidyalaya High School,
Umri, Tq. Umri, Dist. Nanded.

... **Respondents**

...

WITH
WRIT PETITION NO.1804 OF 2017

1. Sudarshan Babasaheb Jogdand,
Age : 26 years, Occu : Service as
Shikshan Sevak,
R/o At Post. Dharmabad,
Tq. Dharmabad, Dist. Nanded.
2. Madhav S/o Pandurang Lohgave,
Age : 35 years, Occu. Service as
Shikshan Sevak,
R/o At Post. Balegaon,
Tq. Umri, Dist. Nanded.

... **Petitioners**

Versus

1. The State of Maharashtra,
Through Secretary,
Department of School Education,
Mantralaya Mumbai-32.
2. The Education Officer (Secondary)
Zilla Parishad, Nanded.
3. Shri. Lal Bahadur Shastri Shikshan
Sanstha, Umri, Tq. Umri,
Dist. Nanded, through its
President / Secretary.
4. The Head Master,
Yeshwant High School (Junior College),
Umri, Tq. Umri, Dist. Nanded. ... **Respondents**

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Mr. V.S.Panpatte, Advocate for Petitioners
Mr. S.M.Ganachari, AGP for Respondents– State
Mr. I.D.Maniyar, Advocate for Respondent Nos.3 & 4

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**CORAM : PRASANNA B. VARALE &
MANGESH S. PATIL,JJ.
DATE : 13/12/2018**

ORAL JUDGMENT [PER PRASANNA B.VARALE,J.] :-

Rule. Rule is made returnable forthwith. Heard learned counsel appearing for the parties. The Petition is taken up for final hearing with consent of the parties.

2] As these three petitions involve identical issue viz. a challenge to rejection order on a proposal seeking grant of approval to these petitioners appointed by the respondent no.3

institute viz. Shri Lal Bahadur Shastri Shikshan Sanstha, Umri, in their respective schools at various places in taluka Umri, Dist.Nanded, those are decided by common judgment.

3] Considering the fact that the issue involved in these petitions was dealt with in various judgments of this Court and these very grounds were also dealt with in detail and in bunch of all these Petitions viz. Writ Petition No.8587/2016 and other connected Writ Petitions, at Principal Seat, Division Bench (Coram : B.R.Gavai and Riyaz I Chagla,JJ.) allowed the petitions and the categories are also carved out in paragraph no.9 of the judgment. The case of petitioners would fall in respective categories.

4] In so far as these petitions are concerned, In Writ Petition No.1804/2017, petitioner no.2 Shri Madhav Pandurang Lohgave is entitled to claim benefit of the judgment of this Court as his case would fall in category “C”.

5] In so far as petitioner no.1 Sudarshan Babasaheb Jogdand is concerned, Mr.Patil, learned counsel for petitioner prayed for withdrawal of the Petition only in respect of Sudarshan Babasaheb Jogdand with liberty to take up appropriate proceeding for redressal of his grievance. As such Writ Petition No.1804/2017 is partly allowed.

6] In so far as Writ Petition No.1719/2017 is concerned, the petitioner Samadhan Gangadhar Godge was appointed as a

candidate belonging to N.T.(B) category to teach Economics subject. The case of petitioner Samadhan Godge would fall in category "C", as such Writ Petition No.1719/2017 is allowed.

7] In so far as Writ Petition No.1726/2017 is concerned, petitioner Sachin Nagorao Haibate is belonging to S.C. Category and was appointed to teach English subject, as such he would fall in categories "B" and "C". Similarly petitioner no.2 Balaji Angadrao Sakhare is a candidate belonging to OBC and was appointed to teach Science subject, as such he would also fall in categories "B" and "C". Thus Writ Petition No.1726/2017 is also allowed.

8] Rule is accordingly made absolute in above terms.

(MANGESH S. PATIL,J.) (PRASANNA B. VARALE,J.)

umg/