

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.1984 OF 2018

Dilip s/o Baliram Hinge,
age: 37 years, Occ: Teacher,
R/o Near Venkatesh Public School,
Aditya Nagari, Beed,
Tal. & District Beed.

Petitioner

Versus

01 The State of Maharashtra,
through its Principal Secretary,
Social Welfare Department,
Mantralaya, Mumbai.

02 The Commissioner of Disabled,
Maharashtra State, Pune.

03 The Chief Executive Officer,
Zilla Parishad, Beed.

04 District Social Welfare Officer,
Zilla Parishad, Beed.

05 Jay Santoshi Mata Sevakbhai
Sanstha, Beed,
Tal. & District Beed,
through its Secretary/President.

Respondents

WITH
WRIT PETITION NO.2179 OF 2018

01 Vitthal s/o Bhagwan Jadhav,
age: 40 years, Occ: service as
Teacher, Muk Badhir Niwasi
Vidyalaya, Majalgaon,
Tal.Majalgaon, District Beed,
R/o Majalgaon, Tq.Majalgaon,
District Beed.

02 Vitthal s/o Laxsmanrao Khandgave,
age: 39 years, Occ: & R/o

as above.

03 Ashok s/o Mahaling Thalpati,
age: 39 years, Occ: & R/o
as above.

04 Sunil s/o Raghunath Pawar,
age: 34 years, Occ: & R/o
as above.

05 Santosh s/o Shrirang Sutar,
age: 38 years, Occ: & R/o
as above.

Petitioners

Versus

01 The State of Maharashtra,
through its Principal Secretary,
Social Welfare Department,
Mantralaya, Mumbai.

02 The Commissioner of Disabled,
Maharashtra State, Pune.

03 The Chief Executive Officer,
Zilla Parishad, Beed.

04 District Social Welfare Officer,
Zilla Parishad, Beed.

05 Janartha Shikshan Prasarak
Mandal, Yellamb Ghat,
Tal.Kaij, District Beed,
through its Secretary/President.

Respondents

WITH
WRIT PETITION NO.2180 OF 2018

Sohan s/o Bhalchandra Mulate,
age: 28 years, Occ: Teacher,
R/o Jujgar Galli, Majalgaon,
Tal. Majalgaon, District Beed.

Petitioner

Versus

01 The State of Maharashtra,
through its Principal Secretary,
Social Welfare Department,
Mantralaya, Mumbai.

02 The Commissioner of Disabled,
Maharashtra State, Apune.

03 The Chief Executive Officer,
Zilla Parishad, Beed.

04 District Social Welfare Officer,
Zilla Parishad, Beed.

05 Kai. Bhaiyyasaheb Deshmukh
Asthivyangha niwasi Vidyalaya,
Manur, Majalgaon,
Tal. Majalgaon, District Beed,
through its Secretary/President.

Respondents

Mr.S.S.Thombre, advocate for the petitioner.

Mr.S.S.Dande, A.G.P. for Respondents No.1 & 2.

Mr.K.B.Jadhavar, advocate for Respondents No.3 & 4.

CORAM : R.M.BORDE AND

K.K.SONAWANE, JJ.

DATE : 23rd February, 2018.

ORAL JUDGMENT (Per R.M.Borde, J.) :

1 On the request of learned Counsel for petitioners, leave to delete respondent no.5.

2 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties

3 The petitioners are objecting to the communication issued by the Education Officer directing the respective

Managements to terminate their services. The direction has been issued in pursuance to the communication issued by the Director of Handicaps/Disabled to the Chief Executive Officer, Zilla Parishad, Beed.

4 The petitioners have been appointed as Special Teachers in private institutions and their services have been approved by the District Social Welfare Officer, Zilla Parishad, Beed. Since, the appointment orders have been issued by the District Social Welfare Officer, the Chief Executive Officer of the Zilla Parishad does not have jurisdiction vested in him to direct the Management to terminate services of the petitioners. The approval accorded to the appointment of petitioners is still in force and same has not been recalled by the District Social Welfare Officer. It was unnecessary for the Chief Executive Officer, Zilla Parishad, to exercise jurisdiction in the matter and issue such directions to the concerned Institutions.

5 The issue raised in the instant petitions is covered by the decision rendered by Division Bench of this Court in Writ Petition No.4618 of 2017 on 18.12.2017 and in companion matters.

6 For the reasons recorded in the aforesaid judgment, these petitions also deserve to be allowed and same are accordingly allowed. The communication issued by the Education Officer to the concerned Management directing the Management to terminate services of the petitioners, is quashed and set aside. In the event, the authorities propose to take any action, same shall not be taken without extending opportunity of hearing to the petitioners.

Petitioners are entitled to receive salary, if remained unpaid and same shall be disbursed to them expeditiously.

7 Rule is accordingly made absolute. There shall be no order as to costs.

K.K.SONAWANE
JUDGE

R.M.BORDE
JUDGE

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