

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

**WRIT PETITION (I) NO.33884 OF 2018**

**[Modified as per Order dated 23<sup>rd</sup> September, 2019]**

Yasmeen Sikandar Tamboli .. Petitioner

Versus

The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH

**WRIT PETITION (L) NO.14684 OF 2018**

Priyanka Baburao Belavakar .. Petitioner

Versus

The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH

**WRIT PETITION (L) NO.14685 OF 2018**

Alka Tukaram Shinde .. Petitioner

Versus

The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH

**WRIT PETITION (L) NO.14686 OF 2018**

Kanbur Education Society through  
its President/Secretary & ors .. Petitioner

Versus

The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH

**WRIT PETITION (L) NO.14687 OF 2018**

Manisha Eknath Bagane .. Petitioner

Versus

The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH

**WRIT PETITION NO.14688 OF 2019**

Sonal Ajit Patil .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH  
**WRIT PETITION (L) NO.14689 OF 2018**

Sudhir Tukaram Kamble .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH  
**WRIT PETITION (L) NO.14690 OF 2018**

Sujay Rangrao Yadav .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH  
**WRIT PETITION (L) NO.31411 OF 2018**

Kanbur Education Society through  
its President/Secretary & ors .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH  
**WRIT PETITION (L) NO.31423 OF 2018**

Kanbur Education Society through

its President/Secretary & ors .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH  
**WRIT PETITION (L) NO.33349 OF 2018**

Gitanjali Pandurang Patil .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH  
**WRIT PETITION (L) NO.33357 OF 2018**

Yogita Jaysing Patil .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH  
**WRIT PETITION (L) NO.33509 OF 2018**

Sangram Balaso Kamble .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH  
**WRIT PETITION (L) NO.33619 OF 2018**

Anita Ashok Kharpe .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH  
**WRIT PETITION (L) NO.33885 OF 2018**

Nilesh Hasiram Choudhari .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH

**WRIT PETITION (L) NO.33888 OF 2018**

Pratiksha Balasaheb Patil .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH

**WRIT PETITION (L) NO.34419 OF 2018**

Sachin Prakash Panhalkar .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH

**WRIT PETITION (L) NO.34437 OF 2018**

Ramesh Shripati Kamble .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH

**WRIT PETITION (L) NO.35397 OF 2018**

Vidya Vitthal Patil @ Vidyulata

M. Kondekar .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH

**WRIT PETITION (L) NO.35505 OF 2018**

Sudha Sachin Patil @ Suganda Redkar .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH

**WRIT PETITION (L) NO.35396 OF 2018**

Indra Ramlingappa Terdal .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH

**WRIT PETITION (L) NO.35396 OF 2018**

Hemlata Pradeep Patil .. Petitioner  
Versus  
The State of Maharashtra thru  
the Secretary and ors .. Respondents

WITH

**WRIT PETITION (L) NO.37068 OF 2018**

Pruthviraj Sanjaysinh Gaikwad .. Petitioner  
Versus  
The State of Maharashtra through  
Secretary and Ors. .. Respondents

...

Mr. Prashant S. Bhavake for the Petitioner.

Mr. Umesh H. Pawar for the petitioner in WP St 33357/18 and WP St 33509/18.

**CORAM: SMT. BHARATI H.DANGRE, JJ.**  
(Vacation Court)

**DATED : 26<sup>th</sup> DECEMBER, 2018**

**P.C:-**

1 In a group of petitions, the petitioners have approached this Court seeking direction to the Education Officer to decide the proposal submitted by the Head of the Institutions in which they are working, seeking individual approval for their appointment as Shikshan Sevak. The petitioners are apprehensive that while the proposal is pending, the Education Officer may place other surplus teacher on the post which they are occupying and in respect of which approval is sought from the competent authority.

2 Mr. Bhavake invites my attention to a Division Bench order in Writ Petition dated 3<sup>rd</sup> December 2018.

In the said matter, this Court had recorded the statement of the learned AGP that the proposals which are pending would be decided finally by 31<sup>st</sup> January 2019. The said statement was accepted as an undertaking to the Court and it was also recorded that the proposals be listed seriatim and decided so that individual petitioners and the managements are not constrained to approach this Court and add to its pendency. The Court also expressed that the State of Maharashtra would issue appropriate guidelines regarding the manner in which the proposals would be processed, scrutinized and decisions would be taken in the end of Academic Sessions i.e. 31<sup>st</sup> March 2019.

3 In the backdrop of the order passed on 3<sup>rd</sup> December 2018, the petitioners also need protection of the same order and the petitions deserve to be disposed of with a direction to the Education Officer to decide the proposal in view of the specific undertaking by learned AGP of the Division Bench in Writ Petition No.9725 of 2018 that all the pending proposals would

be taken up seratium by Education Officer and decided by a deadline of 31<sup>st</sup> March 2019. In such circumstances, the proposal of the petitioner is directed to be decided by Education Officer in light of the undertaking given to this Court in Writ Petition No.9725 of 2018.

As long as the proposal is pending and final decision is taken on the said proposal, the respective Education Officer is directed not to post any surplus candidate. However, if the decision goes adverse to the petitioners in the next academic session, the Education Officer would be at liberty to fill in the said post by absorbing the surplus teachers on the said post.

List the matter on 15<sup>th</sup> February 2019.

**(SMT. BHARATI H. DANGRE, J.)**