

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

14 WRIT PETITION NO.2434 OF 2018
DR BABASAHEB R AMBEDKAR SEVA BHAVI SANSTHA DHULE
THROUGH VICE PRESIDENT PRAVIN BHAVAN BHAMRE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
WITH
WRIT PETITION NO.2468 OF 2018
RASHTRAMATA JIJAU SEVABHAVI SANSTHA, RAMI TQ. SINDKHED
THROUGH ITS PRESIDENT AND OTHERS
WITH
WRIT PETITION NO.3390 OF 2018
DR BABASAHEB R AMBEDKAR SEVA BHAVI SANSTHA DHULE
THROUGH VICE PRESIDENT PRAVIN BHAVAN BHAMRE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Sapkal V.D.
AGP for Respondents State: Mr. P.S. Patil

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 11th March, 2019

PER COURT :

1. Mr. Sapkal, learned Advocate for the petitioners submits that the petitioners in all these writ petitions are appointed as Teachers for the Units sanctioned and approved by the Government to teach handicapped students. All these petitioners are appointed prior to 1st March, 2009 and approval to their appointment is also granted by the Director of Education, (Primary), Pune.

2. Learned counsel relies on the Government Resolution dated 15th September, 2010 to submit that those units which have been closed down, the teachers working there in and given approval prior to 1st March, 2009 are to be absorbed in regular schools. The special units are closed down and the handicapped students are now to be imparted education in regular schools.

3. Mr. Patil, learned Addl.G.P. submits that the documents placed by the petitioners on record regarding their approval and subsequent letters showing names of the petitioners being recommended by the Consultant are manipulated documents. The orders dated 21.01.2009 and 23.02.2009 relied by the petitioners are not issued by respondent No.3. On 23.02.2009 there being holiday on account of Mahashivratri, not a single letter was issued by respondent no.3 on that day. Respondent No.2 Director of Education (Primary) has approved the list of 341 special Teachers and Attendants for absorption under letter dated 02.11.2012. The names of the petitioners were not included in the said list.

4. We have considered the submissions.

5. The affidavit in reply, on behalf of the respondents, is filed by the Incharge Science Consultant, in the office of the Deputy Director of Education, Nashik Region. The relevant consideration would be the date of appointment of the petitioners in a particular unit and about approvals granted to their appointment. According to the petitioners, approval is granted by the Director of Education and the letters showing approval granted by the Director of Education are filed along-with writ petitions. The stand of the respondent is contrary, saying that no such letters exist and that all the documents placed by the petitioners are manipulated one. The Director of Education (Primary) has not filed any affidavit in the present matter.

6. Considering the ground raised by the respondents, it will be appropriate for the Director of Education (Primary) Pune to conduct an enquiry with regard to the genuineness of the documents placed by the petitioner on record. The Director of Education is a Higher and

responsible officer. The Director of Education (Primary) shall consider his record so also the documents that may be produced by the petitioners before him and shall take decision about the genuineness of the documents placed by the petitioners and as to whether the Director of Education had really granted approvals to the Units as contended by the petitioners and so also approved the names of the teachers working therein, as it is submitted that all these orders and approvals are prior to 1st March, 2009.

7. Depending upon the decision that would be taken by the Director of Education (Primary) after conducting enquiry regarding genuineness of the documents placed before it, the parties make take further steps accordingly.

8. Needless to state, if the Director of Education (Primary) arises at the conclusion that the documents produced by the petitioners are genuine and that office of the Director of Education has granted approval to the Units and the petitioners, then the Director of

Education and the authorities may take further steps as contemplated in the Government Resolution dated 15th September, 2010.

9. If the Director of Education (Primary) records conclusion that the documents produced by the petitioners are not genuine one, then the Director of Education (Primary) is also entitled to take further steps against the erring persons.

10. Writ petitions are accordingly disposed of. No costs.

11. The Director of Education (Primary), if it is possible, may conduct enquiry and conclude his finding expeditiously, preferably within three months.

(A. M. DHAVAL, J.)

(S. V. GANGAPURWALA, J.)

JPC