

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

6 WRIT PETITION NO.6587 OF 2018

RAGHUNATH BAJIRAO JAGTAP AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. S. R. Barlinge, Advocate for the Petitioners.
Mr. S. B. Pulkundwar, AGP for Respondents-State.
Mr. Paresh B. Patil, Advocate for Respondent Nos.6
to 8.

...

WITH

WRIT PETITION NO.5278 OF 2018

SOPAN SAKHARAM MAGAR AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Rahul R. Karpe, Advocate for the Petitioner.
Mr. S. B. Pulkundwar, AGP for Respondents-State.

...

WITH

CIVIL APPLICATION NO.10443 OF 2018

IN

WRIT PETITION NO.5278 OF 2018

AHMEDNAGAR DISTRICT BACKWARD CLASS O.B.C. MINORITY
TEACHING AND NON-TEACHING EMPLOYEES UNION
..APPLICANT

VERSUS

SOPAN SAKHARAM MAGAR AND OTHERS ..RESPONDENTS

...

Mr. L. V. Sangit, Advocate for the Applicant.

...

**WITH
WRIT PETITION NO.5794 OF 2018**

MADAN LAXMAN MULE AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. U. R. Awate h/f Mrs. Smita S. Kulkarni,
Advocate for the Petitioners.
Mr. S. B. Pulkundwar, AGP for Respondents-State.
Mr. Kiran M. Nagarkar, Advocate for Respondent
Nos.4 and 5.

...

**WITH
WRIT PETITION NO.5835 OF 2018**

RAJENDRA POPAT SHINDE AND OTHERS ..PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. R. N. Dhorde, Senior Advocate with Mr. V. R.
Dhorde, Advocate for the Petitioners.
Mr. S. B. Pulkundwar, AGP for Respondents-State.
Mr. V. D. Sapkal, Advocate for Respondent No.5.

...

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATED : 21st AUGUST, 2019.**

PER COURT:-

1. We have heard learned counsel for the respective petitioners.
2. In all these matters petitioners are assailing the circular dated 14.11.2017 governing the seniority.

3. It is submitted by the learned counsel for petitioners that the issue is no longer *res-integra* and stands concluded in the judgment and order passed by the Division Bench of this Court at Principal Seat dated 09.04.2019 in Writ Petition No.14242 of 2018 with connected writ petitions.

4. We have also heard the learned A.G.P. The learned A.G.P submits that after the judgment of the Division Bench as referred to above, the Government has issued circular dated 03.05.2019.

5. The Division Bench in the said judgment observed thus:

"122. We therefor allow all the writ petitions, holding:

(a) The two Government Circulars of 24th January 2017 and 14th November 2017 may stand unaffected vis-a-vis the Primary Teachers.

(b) Those two Government Circulars, however, cannot be sustained vis-a-vis the Secondary Teachers, to the extent those Grs mandate that the teachers' seniority be reckoned from the date of their first appointment and continuous service.

(c) The Government and the authorities concerned, including the School Managements, will recalibrate the relative seniority of the Secondary Teachers based on the Category they belong to and based on when they have entered that Category.

So we declare. No order on costs."

6. In the light of above, present writ petitions stand disposed of in terms of order

passed by the Division Bench of this Court at Principal Seat dated 09.04.2019 in Writ Petition No.14242 of 2018 with connected writ petitions.

7. In view of disposal of writ petition, civil application also stands disposed of.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/August-19