

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.12426 OF 2019

THE JOINT DIRECTOR OF HIGHER EDUCATION AURANGABAD
REGION, AURANGABAD

VERSUS

KHAN WAHEEDA HAROON AND OTHERS

. . .

WITH

WRIT PETITION NO.12427/2019

THE JOINT DIRECTOR OF HIGHER EDUCATION AURANGABAD
REGION, AURANGABAD

VERSUS

DR.MRS.TALAT NASEER W/O MD.NASEER AND OTHERS

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WITH

WRIT PETITION NO.12428/2019

THE JOINT DIRECTOR OF HIGHER EDUCATION AURANGABAD
REGION, AURANGABAD

VERSUS

SHRI MIRZA MAHEFOOZ BAIG S/O QAMER BAIG AND OTHERS

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AGP for Petitioner : Mr.S.R.Yadav

Advocate for Respondent No.1 : Mr.A.S.Deshpande

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 18th December, 2019.

PER COURT :-

1. I have heard the submissions of the learned A.G.P. and the learned Advocate on behalf of respondent No.1.

2. I could have reproduced the entire submissions of the litigating sides and the grounds for challenge, in this order. However, I am not reproducing their submissions for the reason that the learned Division Bench of this Court has delivered a judgment on 03/12/2019 in Writ Petition No.11178/2018 with Civil Application No.4163/2019, by which, the issue of these petitioners possessing requisite qualifications to occupy their positions, has been settled. The learned Division Bench of this Court has also directed the educational authorities to clear the unpaid salaries of these employees, as well as, to continue to pay their salaries.

3. In the written statement filed by the Educational Department through the Joint Director, Higher Education, Aurangabad Region, Aurangabad dated 27/07/2015, the qualifications required by these respondent No.1 employees, has been reproduced in paragraph No.2. There is no dispute that they possess the said qualifications. In paragraph No.5, it is mentioned that the management has forwarded the proposals of these employees for approval to the University for due verification of the record and the report of the Selection Committee. This would indicate that the Education Department would have raised an objection to such appointments at the very inception. Initially no such objection has been raised. If any objection would have been raised by the Joint Director, Higher Education, Aurangabad Region, Aurangabad, it would have been so stated in no uncertain words in the written statement that these employees were ineligible. No such stand has been taken by the Education Department before the University Tribunal that these employees are ineligible for appointment.

4. Considering the above, these petitions being devoid of merits, are therefore, dismissed.

5. Needless to state, it is expected that the educational authorities shall clear the unpaid salaries of these respondent No.1 employees as directed by the learned Division Bench of this Court, within a period of six weeks from today, failing which, the Secretary of the Education Department, shall be responsible for the noncompliance of this order.

(RAVINDRA V. GHUGE, J.)

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