

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10320 OF 2018

BARKHA GOVIND KACHWANI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Wani Girish V.
AGP for Respondent No. 1 : Mr. K. B. Jadhavar
Advocate for Respondents No. 2 to 4 :
Mr. P. R. Patil

...

WRIT PETITION NO. 9375 OF 2018

RAIS BABAMIYA PATEL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Wani Girish V.
AGP for Respondent No. 1 : Mr. K. B. Jadhavar
Advocate for Respondents No. 2 to 4 :
Mr. P. R. Patil

...

WRIT PETITION NO. 9885 OF 2018

SAYYAM DAGADU SALUNKHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Wani Girish V.
AGP for Respondent No. 1 : Mr. K. B. Jadhavar
Advocate for Respondents No. 2 to 4 :
Mr. P. R. Patil

...

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

DATE: 28th FEBRUARY, 2019

PER COURT :

1. The learned counsel for the petitioners and the learned counsel for the respondents / Jalgaon Municipal Corporation are *ad-idem* that the petitioners are similarly situated as the petitioners in Writ Petition No. 5674 of 2015 with connected writ petitions decided on 19.10.2016.

2. In view of that and for the reasons recorded in the said judgment, we follow the same course and pass the following order.

3. Considering the above, the impugned orders are quashed and set aside. Respondent no. 3 / Corporation shall consider the petitioners to be properly appointed and pass orders afresh pursuant to the show cause notice issued to the petitioners after hearing the petitioners and shall not refuse the pay-scale and grade pay as applicable to Pharmacist only on the ground that the petitioners

were not properly appointed. The said decision shall be taken expeditiously.

4. As the orders are set aside, no recovery shall be made from the petitioners still the issue is decided by the respondent on its own merits. The respondent shall decide the pay fixation after notice to the petitioners and within a period of three (03) months.

5. Writ Petitions stand disposed of accordingly.
No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

marathe