

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

2. CIVIL APPLICATION No. 8126 of 2019
IN
WRIT PETITION No. 12346 of 2016

Balaji Pandurang Biradar and others ...Applicants

Versus

The State of Maharashtra and others ...Respondents

Mr. N.P. Patil Jamalpurkar, Advocate for applicants

Mrs. A.V. Gondhalekar, Asstt. Govt. Pleader for Respts. No.1 to 3

CORAM : PRASANNA B. VARALE,
AND
R. G. AVACHAT, JJ.

DATE : 15th July, 2019

ORAL ORDER:

1. Heard Mr. Patil, learned Counsel appearing for the applicants.

2. By inviting our attention to an order passed by this Court in Writ Petition No. 8614 of 2017 dated 19th March 2017, learned Counsel Mr. Patil submitted that the applicants are identically circumstanced to petitioners in Writ Petition No. 8814 of 2017. While passing the order dated 19th March 2017, our

attention was invited to the Government Resolution dated 8th March, 2019 and it was submitted before this Court that four independent posts are created to teach the subject in the Science stream and the Government Resolution also refers to the list of districts and Ashram Schools in these districts. In view of the Government Resolution, the writ petition was disposed of with liberty to petitioners to pursue the respective State Authority like the District Social Welfare Officer for accommodation/approval of the petitioners in the Ashram Schools against the subjects as stated in the said resolution. The State Government was, however, directed to consider their claim expeditiously on their own merits.

3. Mr. Patil, learned Counsel for the petitioners, today placed on record copy of the corrigendum issued to the Government Resolution dated 8th February, 2013. The same is taken on record and marked 'X' for identification. The corrigendum refers to additional two posts being made available in Science stream and two posts in Art stream. It also refers to the additional financial burden on the State. Mr. Patil, learned Counsel submitted before us that applicant No.1 Balaji Pandurang Biradar is teaching Hindi subject, applicant No.2 Maroti Ramdas Chavan is teaching Geography subject, applicant No.3 Kalleshwar

Shivkumar Balkunde is teaching Biology subject as well as applicant No.4 is teaching Physics subject. Applicant No.4 Pravin Subhashrao Choudhari is teaching Physics subject in the Higher Secondary School, namely, Changala Mata Higher Secondary Ashram School at village Janapur Taluka Udgir District Latur. Respondent No.4 is the society running the said school, namely, Sangameshwar Shikshan Sanstha, Kawalkhed Taluka Udgir District Latur. In support of his submission, Mr. patil also invited our attention to the list of the Ashram Schools referred to in the Government Resolution dated 8th March 2019, wherein name of respondent No.4 Education institute finds place at serial No.10 and the reference is made to the Higher Secondary School, being run by the Institute at Janapur Taluka Udgir for Arts and Science streams. Considering these facts, we find considerable merit in the submissions of the learned Counsel that the applicants are identically circumstanced with the petitioners in Writ Petition No. 8614 of 2017.

4. Accordingly, the application is disposed of and, in turn, the writ petition also is disposed of, with liberty to the petitioners to pursue the respective State authority, like the District Social welfare Officer or the Divisional Deputy Commissioner, Social Welfare Division, Latur, as the case may be,

for accommodation/approval of these petitioners in the Ashram Schools against the subjects as stated in the resolution. The petitioners may submit their claims either personally or through their institute for grant of approval and payment of salary to the respective authority of the State of Maharashtra and the State Authorities to consider the claims of the petitioners as expeditiously as possible, needles to state, on the merits of the claim.

(R. G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE.

Madkar