

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11347 of 2018**

Siddiqui Alqama Nasreen Mohd

Israil and others

.. Petitioners

Versus

The State of Maharashtra

.. Respondents

...

Ms.Panthi Desai with Prachi Khandge I/b M.P. Vashi & Associates for the petitioners.

Mr.M.M. Pabale, AGP for respondent nos.1 and 2.

Mr.N.R. Bubna for respondent no.3.

Mr.Ramesh Rane for respondent nos.4 and 5.

**CORAM: PRADEEP NANDRAJOG, C.J.
AND BHARATI DANGRE, J.
DATED : 4th SEPTEMBER, 2019**

P.C:-

1 Heard learned counsel for the parties.

2 Case of three writ petitioners is that the fourth respondent has established the third respondent school in which, post advertisements issued inviting applications from eligible candidates, the petitioners were appointed as Shikshan Sevaks. Petitioner No.1 was appointed on 16/6/2014. Petitioner No.3 was appointed on 22/6/2014. Petitioner No.2 was appointed on 30/6/2017.

Tilak

3 It is pleaded in the petition that after Petitioner Nos.1 and 3 completed three years service, the school made a reference to respondent No.1 seeking confirmation of approval for petitioner Nos.1 and 3 to be paid salary in the regular scale of pay and be treated as 'permanent teachers'. It is pleaded that on 19th August 2017 the first respondent granted the necessary approval but all of a sudden withdrew the approval granted which was conveyed to the petitioners on 24th July 2018.

4 It is obvious that the reference to the words 'petitioners' in paragraph no.14 of the petition would be the petitioner Nos.1 and 3 who had completed three years service as of June 2017.

5 The reason was one Khalilur Raheman Mohd. Suleman, a suspended teacher of the school – filing a Civil Suit alleging that the petitioners were ghost employees. Without conducting an inquiry into the allegations made by Khalilur Raheman Mohd.Sulamen who even filed a civil suit and no in whose suit no orders favourable to him having been passed, the first respondent withdrew the approval granted for petitioner Nos.1 and 3 to be treated as permanent employees.

6 Suffice it to note that the stand of the school is that the petitioners are teaching in the school.

7 Accordingly, we allow the petition and quash the impugned order dated 4th July 2018. For the reason it is based on no reason or fact which is correct.

8 Since the impugned order dated 4th July 2018 has been quashed, the consequential benefits to the petitioners 1 and 3 in the form of salary as per scale applicable would be paid within six weeks from today.

9 We have not granted any relief to petitioner no.2 for the reason he joined service on 30th June 2017. He has not rendered three years service.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE