

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

902 WRIT PETITION NO.1789 OF 2017

KAILAS RAMDAS DHEPLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH WRIT PETITION NO.1800/2017

MAHARASHTRA RAJYA SHIKSHAK SENA, THROUGH ITS PRESIDENT
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH WRIT PETITION NO.4196/2017

SHAIKH MOHD. MUNWAR MOHD. ANWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH WRIT PETITION NO.4205/2017

LIMBAJI BABURAO GHUGE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr Kshirsagar Gajanan K.
AGP for Respondents State : Mr K N Lokhande
Advocate for Respondents 4,6,8,9: Mr S B Ghute

CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.

DATE : 8th January, 2020

ORDER:

1. These bunch of petitions challenge the order passed by the Chief Executive Officer, Zilla Parishad, Aurangabad dated 15.11.2016.
2. The petitioners are the teachers working in Zilla Parishad, Aurangabad and they were promoted to the post of Headmasters. As these petitioners were promoted to the post of Headmaster, the order

refers to their pay scale in the grade of headmaster. By order dated 15/21.11.2016, the Chief Executive Officer reverted these petitioners to the post of Assistant Teacher and sought for the recovery of the amount paid to these petitioners against their pay scale granted treating these teachers as Headmaster.

3. Our attention was invited to the judgment and order of the Division Bench of this court dated 20.02.2018 in Writ Petition No.12336/2016 Those petitioners were identically circumstanced with the present petitioners. Considering the ground raised by the petitioners that while passing the order, no opportunity of hearing was granted to the petitioners and the order is passed without application of mind, the Division Bench of this Court referred to the order of this Court in Writ Petition No. 217/2018, Tatyaram Dhanlal Kanade & ors Vs. State of Maharashtra and others in paragraph 5 of the order. The Division Bench, by adopting the very view taken by the Division Bench in its order dated 24th January, 2018 Writ Petition No. 217/2018 and connected matters, passed the order whereby the order impugned in the present petition i.e. 15/21.11.2016 is quashed and set aside. The Division Bench further made it clear that the order is quashed and set aside on the ground of non observance of principles of natural justice and not on any other grounds. This Court also took care of the other employees, who were subjected to the similar order, who have not approached this Court and considering this aspect, the Division

Bench made it very clear that those employees who are identically circumstanced need not file separate petition/petitions and it was directed to the Chief Executive Officer Zilla Pariahsad to take appropriate corrective measures in the case of those similarly situated employees who have not approached this Court but their names have been shown in the impugned order.

4. It is also brought to our notice that in compliance of the order of the Division Bench, the Chief Executive Officer, Zilla Parishad, Aurangabad, by order dated 15th May, 2018, cancelled the order dated 21.11.2016. In view of this fact, nothing survives in the present petitions. The petitioners are squarely covered by the order of this Court dated 20.02.2018 in Writ Petition No.12336/2016. The present writ petitions are accordingly disposed of.

5. Learned counsel appearing for the Chief Executive Officer and Education Officer (Primary), Zilla Parsiahd, Aurangabad submits that the Education Officer (Primary) was directed to remain present in this Court and accordingly Mr. Surajprasad Pralhad Jaiswal, Education officer Primary was present in this Court on 07.01.2020 as well as today i.e. 08.01.2020.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

JPC