

shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.775 OF 2017**

Rajaram Shivaji Gosavi	]	Petitioner
Vs.		
State of Maharashtra and others.	]	Respondents

WRIT PETITION NO.777 OF 2017

Sanjay Ramdas Sambar	]	Petitioner
Vs.		
State of Maharashtra and others.	]	Respondents

WITH

WRIT PETITION NO.778 OF 2017

Sudhakar Piran Bhamare	]	Petitioner
Vs.		
State of Maharashtra and others.	]	Respondents

WITH

WRIT PETITION NO.781 OF 2017

Nandlal Chhabilal Patil	]	Petitioner
Vs.		
State of Maharashtra and others.	]	Respondents

Mr. S.A. Rajeshirke, for the Petitioner.
Mr. P.G. Sawant, A.G.P, for Respondent-State.
Mr. Shrishail Sakhare, for Respondents No.3 and 4.

**CORAM : R. K. DESHPANDE AND
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 13th MARCH, 2020.

P. C. :

All these matters were heard by us on 13th March, 2020 and the judgment was dictated in the open Court allowing the Petitions and setting aside the order dated 29th December, 2000 by which approval was granted to the appointment of the petitioners as “Shikshan Sevak” with effect from 13th June, 2000. Further direction was issued to grant approval to the appointment of the petitioners as “Assistant Teachers” from the date of their initial appointment i.e from 2nd August, 1999 and 13th June, 1999 respectively.

2. We were informed that a common question was involved in the matters and hence only change in the operative portion of the order in which the matter was of the date of initial appointment.

3. When we took up the matters for correction of the judgment dictated, we found that the order dated 29th December,

2000 passed by the Education Inspector is not the subject matter of challenge. What is challenged is the order dated 15th March, 2016 at annexure 'K' to the Petitions as referred to in the prayer clause. Another order challenged is dated 16th August, 2014 said to be annexure 'J' to the Petitions.

4. After going through the entire Petitions along with annexures, we find that all the Petitions are identical. We further find that there are no proper pleadings and the reply filed in the matters also does not reflect the correct factual position. The Management has also not filed any reply. We cannot, therefore, proceed to allow these Petitions.

5. We find that these are the cases where the Court believed the statements of lawyers appearing for the parties and delivered the judgment in the open Court. However, after going through the record, we are of the view that none of the Counsels appearing for the parties could bring the relevant facts to the notice of this Court. On the contrary, there was total misrepresentation of facts. We, therefore, dismiss all these Petitions with costs of Rs.5,000/- to be paid to the High Court Legal Aid State Committee within a period of one week from today. We

grant liberty to the petitioners to file proper Petitions and keep the questions on merits open to be decided. However, fresh Petitions, if filed, can only be registered by the Office if the costs directed to be paid by this Court is deposited.

6. Petitions thus stand dismissed.

[PRITHVIRAJ K. CHAVAN, J.]

[R. K. DESHPANDE, J.]