

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

WRIT PETITION NO.7436 OF 2019

Arvind S/o Digambarrao Marewad
and another

...PETITIONERS

VERSUS

The State of Maharashtra
and others.

...RESPONDENTS

...
Dr. Supriya L. Pansambal Advocate for Petitioners.
Mr.S.P. Sonpawale, A.G.P. for Respondents No. 1 to 3.
Mr.A.B. Shinde Advocate for Respondent No.4.
Mr.J.M. Murkute Advocate for Respondents No. 5 and 6.
...

AND

WRIT PETITION NO.9743 OF 2019

Jaywant s/o Kishanrao Khandekar

...PETITIONER

VERSUS

The State of Maharashtra
and others.

...RESPONDENTS

...
Dr. Supriya L. Pansambal Advocate for Petitioner.
Mr.S.P. Sonpawale, A.G.P. for Respondents No. 1 to 3.
Mr.P.R. Tandale Advocate for Respondent No.4.
Mr.J.M. Murkute Advocate for Respondents No. 5 and 6.
...

AND

WRIT PETITION NO.9897 OF 2019

Digambar S/o Panditrao Suryawanshi
and another

...PETITIONERS

VERSUS

The State of Maharashtra
and others.

...RESPONDENTS

...
Dr. Supriya L. Pansambal Advocate for Petitioner.
Mr.S.P. Sonpawale, A.G.P. for Respondents No. 1 to 3.
Mr.A.B. Shinde Advocate for Respondent No.4.
Mr.J.M. Murkute Advocate for Respondents No. 5 and 6.
...

**CORAM: SUNIL P. DESHMUKH AND
ABHAY AHUJA, JJ.**

DATE : 8th MARCH, 2021

ORDER :

1. Learned counsel Mrs. Pansambal for petitioners submits that though petitioners had been working since their appointments, misleading record has been created and ultimately misdeeds of respondents No. 5 and 6 had led to de-recognition of the school. Though the petitioners had been working, their pay-bills were not submitted and as such salaries were not received by them. Learned counsel further submits that

upon de-recognition of the school the petitioners deserved to be declared as surplus and entitled to be absorbed in other schools.

2. Learned counsel for respondent No. 4 – District Social Welfare Officer refers to affidavit in reply and submits that school management had not been co-operating and responding to communications by respondent No. 4 and not providing any record.

3. Learned counsel Mr. Murkute appearing for respondents No. 5 and 6 – the management vehemently submits that as a matter of fact, it is the petitioners who had not been attending duty from 2007 / 2008. Lot of efforts have been made on management's part since the petitioners had been remaining absent. Several notices, including publication in newspaper, were issued to the petitioners and yet they had not rejoined their services. Even intimation about the notices issued to the petitioners had been given to respondent No. 4.

4. The dispute is being raised about petitioners' services and their pay-bills. In the circumstances, while it is being contended that intimation had been given to respondent No. 4, it would be expedient that respondent No. 4 would consider the respective

stands of the petitioners and the management and decide the same. It may be done as early as possible, preferably within a period of three months from the date of receipt of writ of this order. Depending upon the conclusion that would be reached as to the presence or absence of the petitioners from respective dates till the date of de-recognition of the school, further decision shall be taken with regard to payment of their salary. In case of conclusion that petitioners were in services of respondent Nos. 5 and 6 from the respective dates claimed by the petitioners till the date of de-recognition of the school, said period be considered for notional increments and respondent No. 4 may also pass appropriate orders in respect of absorption of the petitioners. There appears to be some dispute about the service book of the petitioners, which also may be looked into by respondent No. 4.

5. The parties to approach respondent No. 4 in right earnest and shall remain present before him on 5th April 2021, at 11.00 a.m.

6. With the aforesaid, writ petitions are disposed of.