

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

80 WRIT PETITION NO.14878 OF 2017

PRAKASH PARSHURAM PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners: Mr. Panpatte V. S.
AGP for Respondents No. 1 to 3: Mr. A. R. Kale
Advocate for Respondents No. 4:
Mr. K. J. Suryawanshi
Advocate for Respondent No.5: Mr. S. R. Choukidar
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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 08th MARCH, 2021

PER COURT:

1. The petitioners seek directions against respondent no. 3 to grant permanent approval to the services of the petitioners in the regular pay scale from 27.04.2015, so also, seek further directions against respondent no. 5 to submit the salary bills of the petitioners as Shikshan Sevaks from 27.04.2012 to 26.04.2015 and as Assistant Teachers from 27.04.2015 till date.

2. We have heard Mr. Panpatte, learned Counsel for the petitioners, Mr. Suryawanshi, Mr.

Choukidar, learned Counsel for the rival managements and the learned A.G.P.

3. As the proposal for permanent approval is pending with respondent no. 3; even according to the petitioner, then in case such a proposal is pending with respondent no. 3, respondent no. 3 shall take decision on it's own merits, in accordance with law, as per it's record, upon consideration of all aspects of the matter, preferably within a period of four (04) months.

4. With regard to the payment of salary is concerned, there are rival claims. It would not be possible for this Court in it's writ jurisdiction under Article 226 of the Constitution to embark upon the investigation of these facts.

5. In the light of above, we direct the Deputy Director of Education that is respondent no. 2 to consider the rival claims, the orders of approval, if any, passed and then take decision about the payment of the salary bills of the petitioners. In

case, if any proposal is received with regard to the continuation of services of the petitioners as Assistant Teachers, then the same shall be dealt with by the authorities in accordance with law. The Deputy Director of Education shall take decision as directed above expeditiously and preferably within a period of four (04) months from today.

6. The parties may appear before the Deputy Director of Education on 31.03.2021.

7. Writ Petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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