

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1333 OF 2018

Sunil Balaso Patil .. Petitioner
v/s.
The State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO.1335 OF 2018**

Pratibha Bhagwan Patil .. Petitioner
v/s.
The State of Maharashtra & Ors. .. Respondents

WRIT PETITION NO.1373 OF 2018

Nilesh Shivaji Patil .. Petitioner
v/s.
The State of Maharashtra & Ors. .. Respondents

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Mr. Umesh H. Pawar, for the Petitioner.

Ms. P.N. Diwan, AGP, for Respondent Nos. 1 to 4 in WP/1333/2018.

Mr. S.S. Bhende, AGP, for Respondent Nos.1 to 4 in WP/1335/2018.

Mr. S.B. Kalel, AGP, for Respondent Nos.1 to 4 in WP/1373/2018.

Mr. N.C. Walimbe, for Respondent No.5.

Mr. Prashant Bhavake, for Respondent Nos. 6 and 7.

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**CORAM: S.C. GUPTE &
SURENDRA P. TAVADE, JJ.**

DATE : 10 FEBRUARY, 2021.

PC:-

. Heard learned Counsel for the Petitioners, learned AGP for Respondent State in each petition and learned Counsel for private Respondents. Rule. Rule taken up for hearing forthwith by consent.

2. The subject matter of these three petitions concerns rejection of the respective proposals for approvals to the appointments of the respective Petitioners in the posts of Shikshan Sevaks. The proposals were rejected on the ground of the G.R. of 2 May 2012, which bans fresh appointments until all surplus teachers are absorbed. This Court has made it clear in a number of judgments that the G.R. of 2 May 2012 does not apply to the appointments made before that date. The lead judgment is to be found in the case of **Smt. Munoli Rajashri Karabasappa vs. State of Maharashtra Through Secretary**¹. It is not in dispute that each individual appointment being the subject matter of the present petitions was made prior to 2 May 2012.

3. Learned AGP is not able to show any distinguishing feature of the present case to distinguish the facts of the present case from the facts in the case of **Munoli**.

4. Accordingly, Rule is made absolute and the petitions are allowed by quashing and setting aside the rejection orders passed in the case of individual Petitioners by Respondent No.5-Education Officer and directing Respondent No.5 to grant individual approvals to the appointments of the Petitioners to consider approval to the appointments of individual Petitioners in the posts of Shikshan Sevaks at the Respondent Primary Schools as expeditiously as possible, and in any event within a

¹ Writ Petition No.8587 of 2016 with connected writ petitions, dated 10 July 2017

period of six weeks from today. The proposals for approvals shall be considered without reference to the G.R. of 2 May 2012. It is made clear that the proposals shall be considered and, if found to be in order, shall be approved with effect from the date of individual appointments of the Petitioners as Shikshan Sevaks and honorarium/salary shall, accordingly, be released with all arrears. Respondent No.5-Zilla Parishad has filed its reply to these petitions urging several other grounds on which they contest the proposals for approval. These are matters to be considered by the Education Officer. The Zilla Parishad will be within its rights to make its representation before the Education Officer, who shall take proper decision in accordance with law and this order.

(SURENDRA P. TAVADE, J.)

(S.C. GUPTE, J.)