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3386-19.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3380 OF 2019

Shri. Manvendra Pratap Ashok Singh .. Petitioner

v/s.

The State of Maharashtra Through the Secretary,
School Education And Sports Department And Ors. .. Respondents

WITH

WRIT PETITION NO.3381 OF 2019

Shri. Bapurao Himmatrao Patil .. Petitioner

v/s.

The State of Maharashtra Through the Secretary,
School Education And Sports Department And Ors. .. Respondents

WITH

WRIT PETITION NO.3382 OF 2019

Shri. Vijay Lalchand Singh .. Petitioner

v/s.

The State of Maharashtra Through the Secretary,
School Education And Sports Department And Ors. .. Respondents

WITH

WRIT PETITION NO.3383 OF 2019

Shri. Pramod Kumar Virendra Bahadur Singh .. Petitioner

v/s.

The State of Maharashtra Through the Secretary,
School Education And Sports Department And Ors. .. Respondents

WITH

WRIT PETITION NO.3384 OF 2019

Shri. Vijaykumar Bhagwan Swaroop Gautam .. Petitioner

v/s.

The State of Maharashtra Through the Secretary,
School Education And Sports Department And Ors. .. Respondents

WITH

WRIT PETITION NO.3385 OF 2019

Shri. Suresh Kumar Punvasi Maurya .. Petitioner
v/s.
The State of Maharashtra Through the Secretary,
School Education And Sports Department And Ors. .. Respondents

**WITH
WRIT PETITION NO.3386 OF 2019**

Suhasini Sheshnarayan Shukla .. Petitioner
v/s.
The State of Maharashtra Through the Secretary,
School Education And Sports Department And Ors. .. Respondents

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Mr. Prashant Bhavake, for the Petitioners in all petitions.

Mr. V.M. Mali, AGP, for the Respondent/State-Respondent Nos. 1 to 5.

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

DATE : 10 FEBRUARY, 2021.

P.C:-

. Heard learned Counsel for the Petitioners and learned AGP
for the Respondent-State.

2. The subject matters of challenge in the present petitions are
orders of Respondent No.4-Deputy Director of Education, Mumbai
cancelling individual approvals granted for appointments in the posts of
Assistant Teachers. The Petitioners were appointed as Shikshan Sevaks on
2 January 2013. Formal resolutions, however, concerning their
appointments were passed by the school committee on 16 January 2013.
It is nobody's case that they were not appointed after following due
procedure. After the school committee's order, the Petitioners served in

the post of Shikshan Sevaks and went through the entire probationary period of three years. The school committee passed resolutions appointing the Petitioners in the posts of permanent teachers. That was on 16 January 2016. The management, thereafter, forwarded a proposal for individual approval to their appointments as Assistant Teachers. By an order dated 19 January 2018, Respondent No.5-Education Inspector approved the appointments. Thereafter, suddenly on 30 May 2018, Respondent No.4 issued a show cause notice to the Petitioners and the school management for cancellation of the approvals and, finally, by his impugned order dated 23 October 2018, cancelled individual approvals granted to the Petitioners' appointments as Assistant Teachers. Hence, these petitions.

3. The only ground on which approvals originally granted to the Petitioners' appointments were cancelled was that resolutions of school committee appointing them were passed after the appointments. It may be that a formal resolution of appointment was passed by the school committee a few days after the appointments were made and the Petitioners joined in the posts of Shikshan Sevaks. The Petitioners worked in the school for three consecutive years, completed their probationary period and were, thereafter, duly appointed as Assistant Teachers. The school management duly proceeded to forward the proposals for approval to their appointments as Assistant Teachers and even such approvals were granted. Throughout the relevant period and till the impugned orders of cancellation, the Petitioners continued to work as Assistant Teachers.

4. On these facts, it is impermissible to Respondent No.4 to

cancel approvals granted to the Petitioners' appointments for the reason stated. The impugned orders have resulted into serious miscarriage of justice and cannot be sustained.

5. Rule is, accordingly, made absolute and the petitions are allowed by quashing and setting aside the impugned order dated 23 October 2018. As a result of quashing of the impugned orders, individual approvals originally granted to the Petitioners' appointments are restored. The Respondent-State is directed to forthwith release the Petitioners' salaries with all arrears. The salary and arrears must be paid fully to the Petitioners within a period of six weeks from today. In the event of failure, individual officers of the State will be held accountable.

(SURENDRA P. TAVADE, J.)

(S.C. GUPTE, J.)