

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3951 OF 2021

SAYAJI JIJABRAO PATIL AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS

Mr.Y.M.Patil, Advocate for the petitioners.
Mr.S.G.Sangle, AGP for respondent Nos. 2 to 7.
Mr.A.N.Patale, Standing Counsel for Union of India.
Mr.Sonali G.Satpute h/f Mr.Archana J.Pawar, Advocate for respondent
Nos. 8 to 13, 15 and 16.
Mr.V.B.Garud, Advocate for respondent No.14.

AND

WRIT PETITION NO.4572 OF 2021

SNEHAL VINAYAK PATIL AND ANOTHER
VERSUS
THE UNION OF INDIA AND OTHERS

Mr.Y.M.Patil and Ms.Sonali G.Satpute h/f Mr.Archana Pawar, Advocate
for the petitioners.
Ms.R.P.Gaur, AGP for respondent Nos. 2 to 7.
Mr.A.N.Patale, Standing Counsel for Union of India.
Mr.D.B.Rasve h/f Mr.A.D.Pawar, Advocate for respondent No.9.

**(CORAM : RAVINDRA V. GHUGE AND
S.G. DIGE, JJ.)**

DATE : APRIL 21, 2022

PER COURT :

1. We have considered the submissions of the learned Advocate for

the petitioners and have gone through the petitions paper book. The petitioners claims to have been appointed as Special Teachers under a scheme introduced by the Government of India and implemented through the State Government. They were working with various different Managements in different schools. All of them have come together by filing this petition and by putting forth prayer clauses B, C, D and E, which read as under :-

"B. By way of appropriate writ, order or direction in the like nature, this Hon'ble High Court be pleased to direct the respondent authorities to declare the petitioners as surplus teachers as per Rule 26 of MEPS Rules, 1981 and consequently absorb the petitioners on any other vacant post available towards respondents/authorities.

C. By way of appropriate writ, order or direction in the like nature, this Hon'ble High Court be pleased to direct the respondents authorities to direct the respondents to make arrears of payment of salary of the petitioners from the date of their initial appointment till today and also to make regular payment of salary in each month in future on the posts wherein the petitioners are working as a special teachers.

D. Pending hearing and final disposal of this writ petition, this Hon'ble High Court be pleased to direct the respondents authorities to declare the petitioners as surplus teachers as per Rule 26 of MEPS Rules, 1981 and consequently absorb the

petitioners on any other vacant post available towards respondents/authorities.

E. Pending hearing and final disposal of this writ petition, this Hon'ble High Court be pleased to direct the respondents /authorities to direct the respondents to make arrears of payment of salary of the petitioners from the date of their initial appointment till today and also to make regular payment of salary in each month in future on the posts wherein the petitioners are working as a special teachers."

2. It is undisputed that the Managements with whom these petitioners are surplus today, will have to submit their proposals to the competent authorities so as to let the authorities decide as to whether these petitioners could be declared as surplus. The petitioners have not even approached any competent authority or even their Managements. They have directly come to this Court seeking orders under the writ jurisdiction. They should have actually approached the Managements so as to enable the Managements to tender their proposals for consideration, to the appropriate authority.

3. In view of the above, the learned Advocate for the petitioners submits on instructions that the petitioners seek liberty to withdraw

these petitions so as to approach the Managements and pray that their proposals be forwarded to the appropriate authorities for being considered.

4. In view of the above, these petitions are disposed off as withdrawn.

5. In the event these petitioners approach their Managements on or before 15.05.2022, we expect their Managements to consider their grievances and initiate steps as are permissible in Law and as expeditiously as possible on or before 15.06.2022, for forwarding their proposals.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)