

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

47 WRIT PETITION NO. 2683 OF 2021

**HITENDRA JAGANNATH BADGUJAR AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS**

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Advocate for Petitioners : Mr. Yogesh M. Patil
Standing Advocate for Respondent No. 1 : Mr. A.N. Patale
Addl GP for Respondent Nos. 2 to 6 : Mr. P.S. Patil

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53 WRIT PETITION NO.4576 OF 2021

**YOGESH ASHOK MORE AND ANOTHER
VERSUS
THE UNION OF INDIA AND OTHERS**

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Advocate for Petitioners : Mr. Yogesh M. Patil
Standing Advocate for Respondent No. 1 : Mr. R.B. Babul
Addl GP for Respondent Nos. 2 to 6 : Mr. P.S. Patil

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**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 25.04.2022

P.C. :

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 attendants for physically handicapped students

i.e. non teaching category under a scheme introduced by the Government of India and implemented through the State Government. They were working with various 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/ attendants 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/attendants.

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/attendants 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/attendants."

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, preferably on or before 15.06.2022, for forwarding their proposals.

(S.G.DIGE, J.)

(RAVINDRA V. GHUGE, J.)