

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

WRIT PETITION NO. 7654 OF 2021

Yogita Sunil Badgujar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Ajay D. Pawar, Advocate for the Petitioner.

Mrs. V. N. Jadhav Patil, A.G.P. for Respondent Nos. 1 to 4.

Shri C. T. Jadhav, Advocate for the Respondent No. 5.

Shri S. P. Shah, Advocate h/f Shri P. B. Gamot, Advocate for the Respondent No. 6.

AND

WRIT PETITION NO. 7655 OF 2021

Kiran Ramesh More .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Ajay D. Pawar, Advocate for the Petitioner.

Mrs. V. N. Jadhav Patil, A.G.P. for Respondent Nos. 1 to 4.

Shri C. T. Jadhav, Advocate for the Respondent No. 5.

Shri S. P. Shah, Advocate h/f Shri P. B. Gamot, Advocate for the Respondent No. 6.

AND

WRIT PETITION NO. 9506 OF 2021

Yogita Sunil Badgujar and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Ajay D. Pawar, Advocate h/f Shri Vinod P. Patil, Advocate for the Petitioners.

Mrs. V. N. Jadhav Patil, A.G.P. for Respondent Nos. 1 to 4.

Shri S. P. Shah, Advocate h/f Shri P. B. Gamot, Advocate for the Respondent No. 7.

**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.**

DATE : 20.08.2022.

FINAL ORDER :

. Leave is granted to omit the name of the respondent-Head Mistress in two of the petitions wherein her name is appearing.

2. Heard both the sides finally.

3. All these matters are being disposed of by this common order.

4. The petitioners claim to have been appointed as Shikshan Sevaks in the respondent school on 20.07.2014 and 21.07.2014 respectively after following due procedure prescribed under the Maharashtra Employees of Private Schools (Condition of Service Regulation) Act and Rules. It is alleged that initially their names were not included in the Shalarth Pranali. They were not paid requisite salary as Shikshan Sevaks. Head Master was not forwarding pay bills and the Education Officer was not deciding proposals in respect of grant of permanent approval to their appointments.

5. It appears that the respondent management is siding with the petitioners, however, the respondent head master is strongly opposing the petitions on the ground that they have never been appointed and never served with the respondent school.

6. It is indeed a peculiar situation. Perhaps the genesis of the dispute seems to be a dispute amongst the management *intere se* and the petitioners and even the Head Master seem to be facing the burnt.

7. It appears that by the order of this Court in Writ Petition No. 11356 of 2019 dated 19.09.2019, the Director of Education was asked to take a decision regarding incorporation of petitioners' names in the portal through which salaries are disbursed. It appears that pursuant to such order, names of the petitioners were included in the Shalarth Pranali portal.

8. Perhaps having considered the background, this Court on 16.02.2022 directed the respondent head master to forward the pay bills of the petitioners within a period of three weeks.

9. Learned advocate for the head master submits that though the Head Master is not agreeable with the arrangement and the directions in view of the specific stand in the affidavit in reply that the petitioners had never worked as Shikshan Sevaks, he fairly submits that no exception was taken to that order.

10. Be that as it may, the request in these petitions is two fold. Firstly, directing the Education Officer to take a decision in respect of granting permanent approval, regarding which, in our considered view the prayer is innocuous. If the proposals are forwarded by the management, he is bound to take some decision either way and cannot keep it pending.

11. Second prayer is regarding directions to the head master for forwarding pay bills, which prayer in fact has been expressly covered by the order dated 16.02.2022. The parties are unanimous that while passing order the request of the petitioners to have the honorarium of the post of Shikshan Sevak for a period of three years i. e. from 2014 to 2017 was in contemplation in respect of which the head master was directed to forward the pay bills.

12. Needless to state that it would always be open for the head master even to point out to the Education Officer as to the falsity in the claims of the petitioners regarding their initial appointments and their services.

13. In the light of the above, we allow the writ petitions. The respondent Education Officer shall now take a decision regarding proposals dated 16.12.2019 forwarded by the management as early as possible and preferably within a period of twelve (12) weeks from today. The respondent Head Master shall now

forward the pay bills of the petitioners for the period 2014-2017 within a period of two (02) weeks from today to the Superintendent of Pay Unit, Zilla Parishad, Jalgaon. The writ petitions are disposed of. No costs.

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 22