

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

3 WRIT PETITION NO.569 OF 2021

Bhagyavidhata Janardhan Salve,
Age-42 years, Occu-Service
as a Special Teacher,
C/o Highlight Education Society,
Kagdi Ves, Beed,
Tq. and Dist. Beed

-- PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
School Education and Sports Department,
Maharashtra State,
Mantralaya, Mumbai.

2. The Director of Education (Primary)
Central Building, Pune - 411 001

3. The Deputy Director of Education,
Aurangabad Region, Aurangabad

4. Zilla Parishad, Beed,
Through its Education Officer
(Secondary)

-- RESPONDENTS

Mr.S.G.Joshi, Advocate for the petitioner.
Mr.S.G.Sangle, AGP for respondent Nos. 1 to 4.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : DECEMBER 19, 2022

ORAL JUDGMENT : (Per Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The petitioner sought circulation of this matter for disposal since he is relying upon the judgment delivered by this Court dated 25.08.2016 (Coram : S.S.Shinde and P.R.Bora, JJ.) in a large group of matters (**WP No.1030/2016 filed by Shaikh Nasim s/o Shaikh Ahmed Vs. The Union of India and others** and connected group of cases). He also placed reliance upon a subsequent judgment dated 20.02.2017 passed by this Court in WP No.2273/2017 filed by **Sima Patil Vs. Union of India and others**.

3. The learned Advocate for the petitioner submits that this petition be disposed off in terms of paragraph No.5 of the order passed in **Sima Patil** (supra). He is aware that though his approval would be restored since the impugned order was passed without adhering to the principles of natural justice, he will get the opportunity to discharge duties only when the respective institution is granted approval.

4. By the impugned order dated 17.05.2014, the approval granted to the respective institutions for the Union of India sponsored IEDSS, has been cancelled on account of serious deficiencies in such schools. The impugned communication dated 17.05.2014 is addressed to the Zilla Parishad Madhyamik Shala (Girls), Barshi Naka, Tal.Beed, Dist . Beed. The petitioner is not aware as to whether this institution has challenged the said order. His grievance is that because of the impugned order, his approval stood cancelled as a special teacher without an opportunity of hearing. It is in these circumstances, that this Court has delivered judgments in **Shaikh Nasim and Sima Patil** (supra).

5. In view of the above, this petition is partly allowed only to the extent of restoring the approval of the petitioner. Akin to the directions set out in paragraph No.5 in Sima Patil (supra), the communication withdrawing the approval of the petitioner namely Bhagyavidhata Janardhan Salve is quashed and set aside. The approval to his service is restored. Consequentially, he would be entitled for all unpaid salaries for the period he has actually performed his work. Apparently, he would be entitled for salary, prospectively if his service is utilized in an

Institution and after he performs the duties. Needless to state, respondent No.3, in co-ordination with respondent No.4, would collect data with regard to the petitioner as well as similarly situated candidates who may not have approached this Court. Collection of such data would be completed till 15.02.2023. Thereafter the said Authorities would verify from their records as regards arrears of salaries payable to the petitioner. This exercise would be completed by 31.03.2023.

6. In cases, where there is no dispute as regards arrears of salary, the salaries of the candidates as like the petitioner would be realized within 30 days after the verification is concluded.

7. If the petitioner or any similarly situated candidate is aggrieved by the decision of the respondents, he/she is at liberty to avail of a remedy as is permissible in Law.

8. Rule is made partly absolute in the above terms.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)