

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

103 WRIT PETITION NO.11815 OF 2022

DR. SHAISTA YAKUB SHAIKH
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. L. H. Kawale, h/f Ms. Syeed Gausiya Bi Noora.
AGP for Respondent/State: Mr. S. K. Tambe.

...

AND

104 WRIT PETITION NO.11816 OF 2022

DR. MOHAMMED MUJAHED-UR-RAHMAN
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. L. H. Kawale, h/f Ms. Syeed Gausiya Bi Noora.
AGP for Respondent/State: Mr. S. K. Tambe.

...

AND

106 WRIT PETITION NO.11818 OF 2022

DR. QUADRI SYEDA ARSHIA FAROOQ HUSSAIN
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...

Advocate for Petitioner : Mr. L. H. Kawale, h/f Ms. Syeed Gausiya Bi Noora.
AGP for Respondent/State: Mr. S. G. Karlekar.

...

AND

112 WRIT PETITION NO.11835 OF 2022

DR. KHAN HAMEEDA KHAN MOHIDDUIN
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. L. H. Kawale, h/f Ms. Syied Gausiya Bi Noora.
AGP for Respondent/State: Mr. S. G. Sangle.

...

AND

116 WRIT PETITION NO.11854 OF 2022

DR. BILQUIS @ BEELKIS HASANALI PATEL
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. L. H. Kawale, h/f Ms. Syied Gausiya Bi Noora.
AGP for Respondent/State: Mr. S. K. Tambe.

...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 08th December, 2022.

Per Court:

1. All these petitioners are identically placed, who are said to be selected and appointed by respondent No.4. The common prayers put forth by these petitioners are set out in prayer clauses 'B', 'C', 'D' and 'E' as under:-

"B. By issuing appropriate writ, order or directions in the like nature, may kindly be direct to the respondent nos. 2 and 3 not act upon on the complaints made by the third persons /unions regarding personal grievance of the petitioner in view of the Rules for the Preparation, Submission and Disposal of Applications to Government and Government Circular dated

14.10.2019 and for that purpose issue necessary orders.

- C. By issuing appropriate writ, order or directions in the like nature, may kindly be direct to the respondent nos. 2 and 3 to dispose/reject the complaints made by third persons/ unions regarding petitioner to them on their levels, considering the provisions of Rules for the preparation, Submission and Disposal of Applications to Government and Government Circular dated 14.10.2019 and for that purpose issue necessary orders.
- D. Pending the hearing and final disposal of this writ petition may kindly be restrict to the respondent nos. 2 & 3 for taking any steps on the basis of complaint made by third person/union considering the provisions of Rules and Government Circular and release the salary of the petitioner regularly and for that purpose issue necessary orders.
- E. Pending the hearing and final disposal of this writ petition may kindly be direct to the respondent nos. 3 dispose/reject the complaints made by third persons/ unions regarding petitioner to him on his level, considering the provisions of Rules for the preparation, Submission and Disposal of Applications to Government and Government Circular dated 14.10.2019 and for that purpose issue necessary orders.”

2. The learned AGPs have taken instructions and based on the written instructions that are received, dated 7th December, 2022 from the Joint Director, Higher Education, Aurangabad Division, Aurangabad, they submit as under:-

- a) The management, which selected and appointed these petitioners, had not tendered a copy of the advertisement ;
- b) Without placing the advertisement before respondent No.3, no decision by respondent No.3 on the appointments of these petitioners, could be arrived at ;
- c) The committee, which interviewed and selected the petitioners, is unknown to respondent No.3 ;
- d) The selection process adopted by the management is not intimated to respondent No.3 ;
- e) The candidates, who had applied for the posts and the marks secured by these petitioners, has not been intimated to respondent No.3 ;
- f) Since the appointments of these petitioners have not been approved as the management is not co-operating and is not tendering the relevant documents for scrutiny, respondent No.3 was left with no option but to stop the salaries of these petitioners.

3. The learned advocate for the petitioners submits that the petitioners appointments have been approved from 1993 upto 1997. From the academic year 1997-98, their services stand approved even till today.

4. Considering the above, we are not interfering with the scrutiny being performed by respondent No.3, Department of Higher Education, since it would amount to interfering in such verification exercise. Needless to state, the management should place all the relevant records as demanded by respondent No.3, for scrutiny of the said department. After such records are tendered to respondent No.3, the scrutiny would be commenced in the light of the said record, so as to be completed within thirty (30) days. Appropriate orders shall be passed by respondent No.3 and in cases where there is no legal impediment, the payment of salaries would be commenced and arrears would be cleared.

5. Needless to state, the decision of respondent No.3 shall be strictly in accordance with the Rules applicable.

6. We make it clear that we have not expressed any opinion as regards the complaints made by the social organization against the

petitioners before respondent No.3.

7. In view of the above, these petitions are disposed off.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]