

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 4125 OF 2019

Shweta Vishal Musne

... Petitioner

V/s.

The State of Maharashtra through
its Secretary and Ors.

... Respondents

with

WRIT PETITION NO. 4072 OF 2019

Vijay Mansu Kamdi

... Petitioner

V/s.

The State of Maharashtra through
its Secretary and Ors.

... Respondents

with

WRIT PETITION NO. 4067 OF 2019

Anjali Mandar Bhonde

... Petitioner

V/s.

The State of Maharashtra through
its Secretary and Ors.

... Respondents

with

WRIT PETITION NO. 6036 OF 2021

Rasika Prashant Pendse

... Petitioner

V/s.

The State of Maharashtra through
its Secretary and Ors.

... Respondents

with
WRIT PETITION NO. 6038 OF 2021

Manisha Budha Sabale

... Petitioner

V/s.

The State of Maharashtra through
its Secretary and Ors.

... Respondents

with
WRIT PETITION NO. 8819 OF 2021

Deepali Dinesh Garud

... Petitioner

V/s.

The State of Maharashtra through
its Secretary and Ors.

... Respondents

Mr. Pralhad Paranjape a/w. Manish Kelkar for the Petitioners in WP
Nos. 4125/19, 4072/19, 6036/21, 6038/21 and 8819/21

Mr. Sariputta Sarnjath for the Petitioner in WP 4067/19

Mr. N.C. Walimbe, AGP for the Respondents 1 to 3

Ms. Meena Doshi for the Respondents 4 and 5

*CORAM : NITIN JAMDAR &
AMIT B. BORKAR, JJ.*

DATE : 3 JANUARY 2022

P.C. :-

This group of Petitions filed by the members of teaching staff of Respondent Nos. 4 and 5 – Educational Institute and the College. The Petitioners pray that their services be approved by the Respondent No.3 and necessary orders be issued of granting of approval to the Petitioners on the post of shikshan sevak on the Respondent No.4 – Institute.

2. The learned AGP points out that on 31 July 2017 the Respondent Nos. 4 and 5 were informed that there was certain shortfalls in respect of the proposal submitted by the Respondent – Institute for approval of the Petitioners and after this shortfall is complied with, further action would be taken. As on date there is no challenge to this communication neither the shortfall has been complied with. Therefore, for want of steps to be taken by the Respondent No.4 and not because of the Respondent – State that proposals of the Petitioners have not been processed.

3. The Petitions therefore need not be kept pending. We direct the Respondent Nos.4 and 5 to ensure that the compliance as

sought for by the Respondent – State is done within a period of three months. If according to the Respondent Nos. 4 and 5 these requirements are not legal, it is open to the Respondent – Institute to take necessary steps as per law.

4. As per the position of law the lack of approval cannot ipso facto result in termination of services of the teachers by the Educational Institute neither the payment of salary as per the Rules can be prejudiced.

5. With these observations, the Writ Petitions are disposed of.

6. Needless to state that, if and after the compliance is made by the Respondent – Institute, the Respondent – State Authorities will take appropriate decision as per law within a period of three months thereafter.

AMIT B. BORKAR, J.

NITIN JAMDAR, J.

JYOTI
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PAWAR

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