

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

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WRIT PETITION NO.3188 OF 2022

Naziya Sultan Ahmed and Anr. ..Petitioners
Versus
The State of Maharashtra & Ors. ..Respondents

Mr. Nasir M. Shaikh, for the Petitioners.
Mr. Nawaz Haindaday a/w Musaddique Momin & Mohammad Taha
Shaikh i/by Musaddique Monin, for the Respondent Nos.4 & 5.

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.**

DATE : 15th DECEMBER, 2022

PC.

1. Heard respective counsels.
2. The challenge in the petition is to the inaction on the part of the respondent No.3/Education Officer in considering the claim of the petitioners/Assistant Teachers in accommodating them from unaided to aided post in the very same educational institution. The petitioners and respondent Nos.4 and 5 i.e. management and Head Mistress have arrived at a settlement and accordingly consent terms are tendered before this Court with a prayer that the petition be disposed of in terms of the said consent terms.

3. Learned AGP has objected to the clause 7 and 10 of the consent terms, as according to her, since the respondent

No.3/Education Officer is not party to the consent terms and she is not armed with such instructions, the consent terms cannot be accepted to the extent of clause 7 and 10.

4. There appears to be substance in the claim put forth by the AGP.

5. In view of aforesaid objection, we dispose of the writ petition in terms of the consent terms which are tendered by the petitioners and respondent Nos.4 and 5 jointly but for clause 7 and 10 of the consent terms.

6. We hereby direct that after the services of the petitioners as have been agreed to be absorbed against the aided post, respondent Nos.4 and 5 are at liberty to submit proposal for grant of approval and all consequential benefits to the respondent No.3/Education. We direct the respondent No.3/Education Officer to deal with such proposal submitted by respondent Nos.4 and 5 who have undertaken to submit the same within four weeks from today and decide the same in accordance with law and as expeditiously as possible without being influenced by the consent terms or the present order.

7. The petition as such stands disposed of in above terms.

[SHARMILA U. DESHMUKH, J.]

[NITIN W. SAMBRE, J.]