

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION [STAMP] NO.25360 OF 2021

Mangal Shivaji Bhivarkar]
(Mangal Kalidas Shendage)] **Petitioner**
Vs.
The State of Maharashtra]
Through Secretary School]
Education Department and others.] **Respondents**

a/w

WRIT PETITION [STAMP] NO.1 OF 2022

Rahul Lahu Patil] **Petitioner**
Vs.
The State of Maharashtra]
Through Secretary School]
Education Department and others.] **Respondents**

a/w

WRIT PETITION [STAMP] NO.2 OF 2022

Mahendra Maruti Gharat] **Petitioner**
Vs.
The State of Maharashtra]
Through Secretary School]
Education Department and others.] **Respondents**

a/w

WRIT PETITION [STAMP] NO.5 OF 2022

Madhuri Subhash Salunke] **Petitioner**

Vs.

The State of Maharashtra

Through Secretary School

Education Department and others.] Respondents

 a/w

WRIT PETITION [STAMP] NO.6 OF 2022

Dattatray Mahadeo Ghatage] **Petitioner**

Vs.

The State of Maharashtra

Through Secretary School

Education Department and others.] Respondents

 a/w

WRIT PETITION [STAMP] NO.12 OF 2022

Varsha Sanchit Mane

(Ms. Rekhatrai G. Gaikwad)] Petitioner

Vs.

The State of Maharashtra

Through Secretary School

Education Department and others.] Respondents

 a/w

WRIT PETITION [STAMP] NO.13 OF 2022

Ashatai Bhagoji Kandgal] **Petitioner**

Vs.

The State of Maharashtra

Through Secretary School

Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.55 OF 2022

Yojana Sachin Patil]
(Ms. Yojana Shashikant Patil)] Petitioner
Vs.

The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.618 OF 2022

Sachin Kumar Namdeo Shinde] Petitioner
Vs.

The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.1390 OF 2022

Vikas Ashok Chavan] Petitioner
Vs.

The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.1577 OF 2022

Krushnarao Baburao Waingade] Petitioner
Vs.

The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents

a/w

WRIT PETITION [STAMP] NO.1578 OF 2022

Smt.Rohini Ramesh Gawade] Petitioner

Vs.

The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents

a/w

WRIT PETITION [STAMP] NO.1579 OF 2022

Vrushali Balu Kharat] Petitioner

Vs.

The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents

a/w

WRIT PETITION [STAMP] NO.1580 OF 2022

Amol Nagnath Talekar] Petitioner

Vs.

The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents

a/w

WRIT PETITION [STAMP] NO.25344 OF 2021

Suvarna Gamajirao Patil] Petitioner
Vs.
The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.25347 OF 2021

Laxmi Sanjay Patil] Petitioner
Vs.
The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.25348 OF 2021

Sunita Bhausahab Mohite] Petitioner
Vs.
The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.25351 OF 2021

Vijayatai Shankarrao Chavan] Petitioner
Vs.
The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.25354 OF 2021

Sandeep Harishchandra Kangude] Petitioner

Vs.

The State of Maharashtra]

Through Secretary School]

Education Department and others.] Respondents

a/w

WRIT PETITION [STAMP] NO.25355 OF 2021

Nitin Jaysing Salunkhe] Petitioner

Vs.

The State of Maharashtra]

Through Secretary School]

Education Department and others.] Respondents

a/w

WRIT PETITION [STAMP] NO.25356 OF 2021

Dipali Mansing Patil] Petitioner

Vs.

The State of Maharashtra]

Through Secretary School]

Education Department and others.] Respondents

a/w

WRIT PETITION [STAMP] NO.25361 OF 2021

Sunita Pandurang Kolapkar] Petitioner

Vs.

The State of Maharashtra]

Through Secretary School]

Education Department and others.] Respondents

a/w

WRIT PETITION [STAMP] NO.25364 OF 2021

Nayana Narayan Kanse] Petitioner

Vs.

The State of Maharashtra]

Through Secretary School]

Education Department and others.] Respondents

a/w

WRIT PETITION [STAMP] NO.25367 OF 2021

Shital Tukaram Shinde] Petitioner

Vs.

The State of Maharashtra]

Through Secretary School]

Education Department and others.] Respondents

a/w

WRIT PETITION [STAMP] NO.25368 OF 2021

Rupali Prakash Yadav] Petitioner

Vs.

The State of Maharashtra]

Through Secretary School]

Education Department and others.] Respondents

a/w

WRIT PETITION [STAMP] NO.25370 OF 2021

Sujata Dasharath Kumbhar] Petitioner

Vs.

The State of Maharashtra]

Through Secretary School]

Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.25376 OF 2021

Shanta Jaykumar Gaikwad] Petitioner

Vs.

The State of Maharashtra]

Through Secretary School]

Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.25401 OF 2021

Rekha Dinkar Wadkar] Petitioner

Vs.

The State of Maharashtra]

Through Secretary School]

Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.25426 OF 2021

Milind Arvind Kamble] Petitioner

Vs.

The State of Maharashtra]

Through Secretary School]

Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.25714 OF 2021

Santosh Narayan Gade] Petitioner

Vs.

The State of Maharashtra]

Through Secretary School]
Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.25715 OF 2021

Yogesh Nanaso Mohite] Petitioner

Vs.

The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents
a/w

WRIT PETITION NO.3399 OF 2022

Satapa Hindurao Patil] Petitioner

Vs.

The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.25718 OF 2021

Dashrath Tatyaba Sukre] Petitioner

Vs.

The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.25719 OF 2021

Ravikiran Krishna Jadhav] Petitioner

Vs.

The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.1423 OF 2022
(NOT ON BOARD)

Annaso Shamrao Bagal] Petitioner
Vs.

The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.7720 OF 2022
(NOT ON BOARD)

Dipali Narayan Kshirsagar] Petitioner
Vs.

The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents
a/w

WRIT PETITION [STAMP] NO.7768 OF 2022
(NOT ON BOARD)

Ratnakar Tukaram Gharat] Petitioner
Vs.

The State of Maharashtra]
Through Secretary School]
Education Department and others.] Respondents

a/w

WRIT PETITION [STAMP] NO.9003 OF 2022

(NOT ON BOARD)

Deepali Shashikant Phalle] Petitioner

Vs.

The State of Maharashtra]

Through Secretary School]

Education Department and others.] Respondents

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Mr. Chetan G. Patil i/b Mr. Vinayak Kumbhar, for Petitioners.

Mr. V.M. Mali, A.G.P, for Respondent-State.

Mr. N.V. Bandiwadekar a/w i/b Ashwini N. Bandiwadekar,
for Respondent No.3.

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**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATE : 11 APRIL, 2022.

P. C.

Writ Petition (St) Nos.9003/2022, 7768/2022, 7720/2022 and 1423/2022 are not on board. They are taken on board upon their production.

2. Heard.

3. Rule. Rule made returnable forthwith by consent of

the parties.

4. In all these petitions, the petitioners are working as Assistant Teachers on clock hour basis on aided post. The petitioners have prayed to the management for considering their claim as being appointed on full time posts. The claim of the petitioners was not properly considered by the management and so these petitioners were compelled to file all these petitions seeking direction to the management to accommodate/absorb the petitioners on full time aided post of Assistant Teachers and thereafter submit proposal to respondent No.2 Deputy Director of Education or Education officer, as the case may be for grant of approval to such appointment of the petitioners. The petitioners have also sought a direction to the Education Officer or Deputy Director of Education as the case may be to decide the proposals which would be eventually sent by the management to him seeking his approval to the appointment of the petitioners on full time aided post as Assistant Teachers with all consequential benefits.

5. Now, the dispute between the petitioners on one hand and the management that is Respondent No.3 in each of the petitions on the other hand has been amicably settled. The consent terms of the settlement between these parties have been recorded jointly by each of the petitioners on one hand and duly authorized representative of respondent No.3 on the other. These consent terms are taken on record and they are marked collectively as document 'A'. The original consent terms are filed on record of Writ Petition No.1/2021 and shall form part of paper book of that

petition. However, for the sake of convenience this consent term would also be treated as part of the paper book of the remaining writ petitions.

6. Duly authorized representatives of respondent No.3 who have signed the consent terms at document 'A' and some of the petitioners are present before this court. They have been duly identified by their learned respective counsel. All of them have endorsed to the consent terms at document 'A'.

7. In the Consent Terms incorporated at 'A' there are various terms and conditions on the basis of which amicable settlement between aforesaid parties is reached. One of the important terms reveals that after finalization of the combined seniority list and the appointment of the petitioners as mentioned in the consent terms, the management agrees and undertakes to submit the proposal to the Education Officer/ Deputy Director of Education as the case may be for seeking his approval to the appointment of even of the petitioners as stated in the Consent Terms within a period of 4 weeks from the date of appointment on regular posts. The other important term mentioned in the consent terms is that after receipt of the proposal of the management in accordance with the consent terms, the Education Officer or the Deputy Director of Education or the Education Officer as the case may be, shall scrutinize these proposals in accordance with law and grant approval to the appointment of the concerned petitioners within a period of 6 weeks from the receipt of respective proposals and release grant in aid for payment of their salary in accordance

with law.

8. The Consent Terms at 'A' also takes care of the contingency of the Education officer, Deputy Director of Education as the case may be declining to grant approval to the appointment of the petitioners on full time posts. In that eventuality, the Consent Term records the agreement of the parties that the concerned petitioners would neither claim any financial benefits in the form of salary along with honorarium, difference in salary or honorarium, provident fund against the management nor the concerned petitioners would have any right to the post of Assistant teacher in which he/she was till then working, though the aggrieved petitioners would be at liberty to challenge the order of refusal of approval passed by the concerned Education Officer/Deputy Director of Education by filing appropriate proceeding before the State Government and its officers.

9. In view of the above, we find that the purpose of the petitions have been completely served by the Consent Terms at 'A'. Undertakings given by respective parties to each other, therefore, are treated as undertakings given to this Court and are accepted. The Petitions, thus need to be disposed of in terms of consent terms 'A' and are disposed of so.

10. Rule is made absolute in the aforesaid terms. No costs.

[G. A. SANAP, J.]

[SUNIL B. SHUKRE, J.]