

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION NO. 1743 OF 2015

Yateemkhana and Madrasa,
Anjuman Khairul Islam

... Petitioner

V/s.

The State of Maharashtra
Through Principal Secretary & Ors.

... Respondent

Mr. Mihir Desai, Senior Advocate a/w. Mr. Chetan Mali i/b. Swaraj
Jadhav for the Petitioner

Mr. Milind More, Addl. G.P. for the Respondent - State

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

DATE : 3 JANUARY 2022

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner has prayed for the following reliefs :-

“(a) The Hon’ble Court may be pleased to pass a writ of certiorari or a writ, order or direction in the nature of certiorari or any other appropriate writ, order or direction thereby quashing and setting aside the Govt. Resolution No. PRT 1113/(01/2013/SM-4 dated

13.12.2013 and Government Resolution No. PRT2013/(107/13) Mashi-1 dated 20.11.2013 to the extent that it is not made applicable to the Petitioner Institution.

(b) The Hon'ble Court may be pleased to pass a writ of certiorari or a writ, order or direction in the nature of certiorari or any other appropriate writ, order or direction thereby quashing and setting aside the orders/ letters dated 20.09.2014 declaring the employees (teaching and non-teaching) of the Petitioner Trust's Schools as surplus/terminating the employees who are Shikshan Sevaks."

3. In essence to challenge of the Petitioner is to the Government Resolution dated 13 December 2013 whereby a staffing pattern akin to the one envisaged under the Right of Children to Free and Compulsory Education Act, 2009 has been implemented.

4. The learned AGP has drawn our attention to the decision of the Division Bench of this Court in Writ Petition No. 9026 of 2014 and Others in the case of *Sindhudurg Zilla Shikshan Sanstha Chalak Mandal Pandur (Registered) v/s. The Union of India and Ors.*, dated 15 December 2015, whereby the validity of the impugned Government Resolutions have been upheld. We are also informed that the Petitioner therein that is Sindhudurg Zilla Shikshan Sanstha has filed a Civil Appeal No. 3337 of 2016 in which notices have been issued and the Appeals are pending in the Supreme Court.

5. In the light of the fact that the Division Bench of this Court has already negated the challenge raised by the Petitioner in this Petition and that the view is not set aside, the Writ Petition is dismissed. Ad-interim relief stands vacated.

AMIT B. BORKAR, J.

NITIN JAMDAR, J.

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PAWAR

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