

Writ Petition No. 1342/2020

Versus

Shri Amit Madiwale, A.G.P. for Respondent No.1.

DATED : 15 MARCH 2022

P.C.:

On 23 October 2020 following order was passed :

"Hearing was conducted through video conferencing and the learned counsel agreed that the audio and video quality was proper."

2. *Issue notice for final disposal of the matter, returnable after eight weeks.*
3. *Learned AGP waives service of notice for Respondent No.1.*
4. *The learned counsel for the petitioners submits that the controversy involved in the present petition is covered by the decision rendered on 03.09.2019 in Writ Petition No.2343 of 2018 at page 201 of this petition. We, therefore, direct the respondents to take into consideration the said decision and decide the question as to whether the decision can be made applicable to the petitioner and file an affidavit to that effect."*

2. Thereafter, on 8 March 2022 following order was passed :

"In spite of order dated 23 October 2020 no steps have been taken by the Chief Executive Officer of the Respondent Zilla Parishad. Only argument that is advanced is that a review is filed of the decision rendered on 3 September 2009. There is no order passed in the review. We are not been informed that this decision is challenged higher and therefore on this ground the Respondent Zilla Parishad cannot avoid compliance.

2. We direct the Chief Executive Officer of Respondent Zilla Parishad to take necessary steps as per order dated 23 October 2020 within a period of one week from today and place the outcome before this Court. We place this responsibility on the Chief Executive Officer to comply with the order, failing which the Court may have to proceed to take coercive steps.

3. Stand over to 15 March 2022."

3. Learned Counsel for the Respondent Zilla Parishad, Wardha states that after examining the issue it is found that the Petitioners in the present Petition are the District Awardee Teachers and therefore the decision in Writ Petition No.2343 of 2018 will have to be made applicable to them. If that be the stand, there is no impediment for the Respondent to apply the law laid down in Writ Petition No.2343 of 2018.

4. As stated in the earlier order, merely by filing a review, which does not automatically result in stay of the law pronounced, the implementation of the law laid down in Writ Petition No.2343 of 2018 cannot be deferred.

5. We dispose of the Writ Petition by directing the Respondents to take steps within period of four weeks as the law laid down in the Writ Petition No.2343 of 2018 to the case of the Petitioners.

6. It is only by way of indulgence, we are not imposing the costs on the Respondents.

[ANIL L. PANSARE, J]

[NITIN JAMDAR, J]