



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5597 OF 2022

Khandu Nagnath Deokate } ...Petitioner

V/s.

1. The Education Officer }
(Secondary), Z.P. Solapur. }

2. Deputy Director of Education }
(Primary), Pune Region, Pune. }

3. Deputy Director of Education }
(Secondary), Pune Region, Pune. }

4. The Director of Education }
Pune Region, Pune. }

5. The State of Maharashtra }
Through Ministry of School, }
Education and Sports Division, M.S. }
Mantralaya, Mumbai. }

6. Sambhajirao Shinde Prashala }
Murarji Peth, Solapur, through its }
Headmaster. }

... Respondents

WITH
WRIT PETITION NO. 5596 OF 2022

Ramdas Janardan Patil } ...Petitioner

V/s.

1. The Education Officer }
(Secondary), Z.P. Solapur and Ors. }

... Respondents

Mr. I.M. Khairdi for petitioner in both matters.

Mr. N.C. Walimbe – AGP for respondent nos. 1 to 5 in both matters.

Mr. C.M. Lokesh-AGP for respondent no. 6 in both matters.

**CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ**

DATE : 6th SEPTEMBER 2023.

ORAL JUDGMENT : (PER SUNIL B. SHUKRE, J)

1. Rule. Rule made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.
2. Learned AGP for the State is right in submitting that at the Government level, there is already a decision taken, as seen from the communication dated 28th February 2022 to absorb both the petitioners under 'Samagra Shiksha Scheme' on the post of attendant with consolidated remuneration of Rs.12,500/-. However, the decision so taken by the Government does not seem to be in consonance with the directions issued by this Court in earlier round of litigation on 18th December 2017. By the order passed on 18th December 2017, this Court had directed the State Authorities to ensure that the petitioner therein is absorbed not only in a special school in a nearby District but he be employed by treating him as a surplus candidate in any other secondary school either in the vicinity or in the nearby District. Similar relief, it appears, has been granted to the other petitioner Therefore,

the latest decision taken by the State Government would have to be termed as bad in law and for the same reason, we find that the impugned order dated 9th February 2022 passed in respect of both these petitioners by the Education Officer, Solapur is also bad in law.

3. The petitions, thus, therefore, deserve to be allowed and they are allowed accordingly. Hence, we pass the following order:

ORDER

i). The impugned order is hereby quashed and set aside. The services of the petitioners be restored in terms of the approval already granted to the petitioners on 8th February 2022.

ii). We further direct that salary and the arrears of salary be paid to the petitioners accordingly, within the period of three months from the date of the order.

iii). The names of the petitioners be entered in Shalarth System for the purpose of online payment of salary and arrears of salary to the petitioners within four weeks.

4. It is made clear that the findings recorded in this Judgment are in the facts and circumstances peculiar to both these petitions and

shall not be treated as precedent in other matters.

5. Rule is made absolute in the above terms.

6. Writ Petitions are disposed of.

(FIRDOSH P. POONIWALLA, J)

(SUNIL B. SHUKRE, J)