

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3258 OF 2021

DT Ed, B Ed Students through President Santosh ...Petitioner
A Magar
Versus
The State of Maharashtra through Secretary, ...Respondent
School Education and Sports Department

Mr SA Rajeshirke, for the Petitioner.
Mr SB Kalel, AGP, for the Respondent-State.

CORAM G.S. Patel &
Neela Gokhale, JJ.
DATED: 27th March 2023

PC:-

1. We are not inclined to interfere at the instance of this Petitioner. It claims to be an association of DT.Ed and B.Ed students.

2. Prayer clause (c) of this Petition seeks inter alia a direction to the State Government to withhold the government salary grants in respect of teachers on a temporary basis and to direct “the management” to make payments of such salaries.

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3. No management is joined. None of the teachers who would undoubtedly be affected by such an order are joined.

4. It is impossible to entertain such a Petition where persons who are directly affected are not even joined or given notice. Whatever may be the case regarding day schools or night schools, it is not possible to grant or consider relief in the absence of the joinder of persons directly affected. Given the ambit of the relief sought, it is not even possible to join individual persons.

5. The Petition is rejected. There will be no order as to costs. It is, however, open to an individual affected to file a petition in her or his own name, and the rejection of this Petition will not be read adversely to such a petitioner.

(Neela Gokhale, J)

(G. S. Patel, J)