

PRACHI
PRANESH
NANDIWADEKAR

Digitally signed by
PRACHI PRANESH
NANDIWADEKAR
Date: 2023.11.13
10:44:12 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Sr. No. 906

WRIT PETITION NO.11590 OF 2023

Anil Bharat Sarade & Anr. .. Petitioners
Versus
State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO.11231 OF 2023**

Santosh Shankarrao Nisalkar & Ors. .. Petitioners
Versus
State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO.11230 OF 2023**

Smt. Manohari Bhagwan Jadhav .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO.11265 OF 2023**

Smt. Yogeshri Dinkar Parit .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO.11232 OF 2023**

Vijay Sudam Gaikwad And Ors. .. Petitioners
Versus
State of Maharashtra & Ors. .. Respondents

**WITH
WRIT PETITION NO.11239 OF 2023**

Smt. Shobha Anil Atkare & Ors. .. Petitioners
Versus
State of Maharashtra & Ors. .. Respondents

WITH
WRIT PETITION NO.11235 OF 2023

Yogita Mahadeo Shinde & Anr.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
WRIT PETITION NO.11237 OF 2023

Santosh Pandurang Pise	.. Petitioner
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
WRIT PETITION NO.11238 OF 2023

Varsharani Lakshman Jadhav & Anr.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
WRIT PETITION NO.11229 OF 2023

Kiran Santaji Bhosale & Anr.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
WRIT PETITION NO.11234 OF 2023

Paresh Pradip Birje & Anr.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
WRIT PETITION NO.11413 OF 2023

Smt. Kirti Sandip Gurav & Anr.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
WRIT PETITION NO.11419 OF 2023

Vandana Baburao Gaikwad & Anr.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
WRIT PETITION NO.11411 OF 2023

Rahul Chandrakant Kamble & Anr.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
WRIT PETITION NO.11410 OF 2023

Kavita Sanjay Patil & Anr.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
WRIT PETITION NO.11395 OF 2023

Vijay Laxman Salunkhe & Anr.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
WRIT PETITION NO.11312 OF 2023

Pratibha Ajit Patil & Anr.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

WITH
WRIT PETITION NO.11313 OF 2023

Sonali Sachin Pawar & Anr.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

Mr. Firoz Bharucha i/by Mr. Saumitra Salunke for petitioners in WP/11231/2023, WP/11230/2023, WP/11237/2023, WP/11238/2023, WP/11229/2023, WP/11234/2023, WP/11410/2023, WP/11312/2023 and WP/11313/2023.

Mr. P. R. Yadav i/by Ms.Swapnali Chavan for petitioners in WP/11590/2023, WP/11265/2023, WP/11232/2023, WP/11239/2023, WP/11235/2023, WP/11413/2023, WP/11419/2023, WP/11411/2023 and WP/11395/2023.

Mr.N.C. Walimbe, Addl. G.P. a/w Mrs.P.J. Gavhane, AGP for State.

Mr.Milind Deshmukh a/w Mr.Shailesh Chavan for Respondent No.4.

Sr. No. 907

**WITH
WRIT PETITION NO.12263 OF 2023**

Asmita Jalinder Patil & Anr.	.. Petitioners
Versus	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.13715 OF 2023**

Abhijeet Baburao Khade	.. Petitioner
Versus	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.12271 OF 2023**

Vaishali Uttam More	.. Petitioner
Versus	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.12266 OF 2023**

Rajendra Sarang Jadhav	.. Petitioner
Versus	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.12268 OF 2023**

Kishor Tukaram Kumbhar	.. Petitioner
Versus	
State of Maharashtra & Ors.	.. Respondents

**WITH
WRIT PETITION NO.12265 OF 2023**

Asmita Bapusaheb Kumbhar	.. Petitioner
Versus	
State of Maharashtra & Ors.	.. Respondents

Mr. P. R. Yadav for petitioners in WP/12263/2023.

Mr.Saumitra Salunke for petitioners in WP/13715/2023, WP/12271/2023, WP/12266/2023 and WP/12265/2023.

Mr. Saumitra Salunke i/by Ms.Swapnali Chavan for petitioners in WP/12268/2023.

Mr.S.B.Kalel, AGP for State.

**CORAM : G. S. KULKARNI &
JITENDRA JAIN, JJ.**

DATE : 2nd November 2023

P.C.:-

. We have heard learned counsel for the petitioners, learned Additional AGP for State and learned counsel for respondent no.4. The

petitioners are in employment of respondent no.4 Rayat Shikshan Sanstha, Satara. The grievance of the petitioners is in regard to their appointments and duties which are required to be assigned to the petitioners and more particularly, on the basis, as to what the management/ respondent no.4, had agreed in the consent terms which were filed in a batch of petitions in Writ Petition No.3530 of 2018 (along with other petitions) in the case of ***Shri Naghotakar Ravindra Suresh Vs. State of Maharashtra & Ors.*** decided on 13th September 2021.

2. A Division Bench of this Court disposing of the said petitions accepting the consent terms by an order dated 13th September 2021 observed as under :-

“ . The parties have tendered the consent terms dated 13th September, 2021 between the petitioners and the Management duly signed by the parties and their respective advocate. The signature of the parties are identified by their respective advocates. The consent terms are taken on record and marked “X” for identification.

2. Learned counsel for the Management states that the Management has approved the consent terms and has authorized the Honorary Secretary viz. Dr.V.S. Shivankar to sign these consent terms on behalf of the Management. Some of the parties have not signed the consent terms who are not parties to the consent terms and have left the job and have joined the services in the same management or have expired and or are not interested in pursuing the matter. Statement is accepted. The undertakings contained in the consent terms are accepted. Since the State Government is not a party to these consent terms, we direct the State Government to grant approval to the appointment of the petitioners who are parties to the consent terms within six weeks from the date of receipt of respective proposals from the Management.

3. *The above writ petitions are disposed of in terms of the consent terms.*

4. *Parties to act on the authenticated copy of this order.”*

3. It is the contention of the petitioners that the consent terms as also the order passed by this Court on such batch of the petitions accepting the consent terms would impose obligations on respondent no.4 not only in regard to the Petitioners who were before the Court but also in respect of other teachers. The consent terms certainly brought about a cascading effect on the teachers who were already appointed and the teachers who were before the Court in the said proceedings as disposed of in terms of the consent terms.

4. The grievance is that the consent terms are not being implemented in the letter and spirit and to which the petitioners had already made repeated representations to the respondent no.4. Our attention is drawn to the representations dated 20th March 2022, 25th April 2022 and 26th July 2022. In such context, the petitioners are before this Court praying for following reliefs. :-

“a) Rule Nisi be issued and records and proceedings be called for.

b) This Hon’ble Court be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other writ, directing, Respondent No. 4 to submit proposals to the Respondent No. 3, and Respondents No. 5 to 8, and to seek approval to the appointment of the Petitioners as Teachers on un-aided posts, as per the details mentioned in the Chart at Exhibit “A” to this Writ Petition.

c) *This Hon'ble Court be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other writ or directing that upon receipt of order of approval from Respondent No. 3 and Respondent No. 5 to 8 as mentioned in prayer clause [b] above, that the Respondent No.4 shall transfer the Petitioners to aided posts in the secondary schools/junior colleges on the basis of the subject-wise Combined Seniority List in the manner contemplated in consent terms dated 13/9/2021 filed before this Hon'ble Court in Writ Petition No.2549/2018.*

d) *That this Hon'ble Court may be pleased to direct the Respondents not to endorse the available posts to the PAVITRA portal, unless and until the Petitioners were transferred to the secondary/higher secondary schools.*

e) *This Hon'ble Court be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other writ, directing Respondent Nos. 1 to 8 to count the service rendered by the Petitioners on un-aided posts from 01/07/2016, for the purpose of continuity of service after the Petitioners are transferred to aided posts as per the consent terms dated 13/9/2021 filed before this Hon'ble Court in Writ Petition No. 2549/2018.*

f) *That this Hon'ble Court may be pleased to direct the Respondents to complete the process in time-bound manner, preferably within 90 days.*

g) *That this Hon'ble Court may be please to direct the Respondent No. 4 not to terminate the Petitioners from the present unaided post and to allow the Petitioners to continue the service until and unless the Petitioners are absorbed as on aided posts.*

h) *Pending the hearing and final disposal of the present Writ Petition, the Respondent No. 4 may be restrained from granting approval to any appointment of full-time Shikshan Sevak/Assistant Teachers which may be made by the Respondent No. 4 in any of its secondary schools / junior colleges, unless the Petitioners are absorbed as on aided posts in its secondary schools and junior colleges.*

i) *Pending the hearing and final disposal of the present Writ Petition, the Respondent No. 4 may be directed to appoint the Petitioners as full-time Shikshan Sevak/Assistant Teachers on a grantable basis in any of its secondary schools/junior colleges.*

j) *Cost of this petition be provided for.*

k) *Any such other order by this Hon'ble Court may deem fit and proper."*

5. Similar reliefs are also prayed in other writ petitions.

6. Having heard learned counsel for the parties and having perused the record, we are of the opinion that considering the contention and the complexion of the issues as also the consent terms which were entered between the teachers who were about 106 in number and who were before the Court in the proceedings of Writ Petition No.3530 of 2018, along with other petitions, the issues are required to be resolved by respondent no.4 and/or by the appropriate government official. At the first instance, it would be appropriate that respondent no.4 considers the issues as fairly accepted by Mr.Deshmukh, learned counsel for respondent no.4.

7. Let the Competent Officer of respondent no.4 hear the petitioners on their representations and to take a decision in regard to all the issues which are raised and arising out of the consent terms. If there are any further grievances, it is open to the petitioners to approach the appropriate Education Authority so that the grievance in respect of seniority, postings and/or appointments can be resolved. All contentions in that regard are expressly kept open. Disposed of.

8. Needless to observe that an appropriate decision be taken by respondent no.4 within a period of four weeks from today.

9. Till the decision is taken, respondent no.4 shall not make any appointment on Pavitra portal if they are before the cut off date.

10. The petitions are disposed of in the above terms. No costs.

11. Parties to act on the authenticated copy of this order.

JITENDRA JAIN, J.

G. S. KULKARNI, J.