

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5909 OF 2008

Majumdar Ujwala Moreshwar & Ors ...Petitioners
Versus
The State of Maharashtra & Ors ...Respondents

WITH
WRIT PETITION NO. 681 OF 2011

Patil Vaishali Vishnu ...Petitioner
Versus
Maharashtra Arogya Mandal & Ors ...Respondents

WITH
WRIT PETITION NO. 507 OF 2011

Chitra Nitin Pendharkar ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

WITH
WRIT PETITION NO. 506 OF 2011

Sharayu Pradeep Mahajan ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

WITH

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WRIT PETITION NO. 2197 OF 2006

Shriram Education Society ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

WITH

WRIT PETITION NO. 2564 OF 2006

Nashik Shikshan Prasarak Mandal & Anr ...Petitioners
Versus
The State of Maharashtra & Ors ...Respondents

WITH

WRIT PETITION NO. 4937 OF 2011

WITH

INTERIM APPLICATION NO. 10300 OF 2022

IN

WRIT PETITION NO. 4937 OF 2011

Kiran Sukdeo Jadhav ...Petitioner
Versus
Niphad Taluka Education Society through its ...Respondents
Chairman & Ors

WITH

WRIT PETITION NO. 4935 OF 2011

WITH

INTERIM APPLICATION NO. 10295 OF 2022

IN

WRIT PETITION NO. 4935 OF 2011

Pushpavati Balasaheb Shirsat ...Petitioner
Versus
Niphad Taluka Education Society through its ...Respondents
Chairman & Ors

WITH

WRIT PETITION NO. 4909 OF 2008

Jadhav Ramchandra ...Petitioner
Versus
The Deputy Director of Education, Nashik & Ors ...Respondents

WITH

WRIT PETITION NO. 6328 OF 2008

Anand Baburao Shinde & Ors ...Petitioners
Versus
The State of Maharashtra & Ors ...Respondents

WITH

WRIT PETITION NO. 6423 OF 2011

Deepak Ashoksingh Pardeshi ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

WITH

WRIT PETITION NO. 9926 OF 2018

WITH

INTERIM APPLICATION NO. 1915 OF 2019

IN

WRIT PETITION NO. 9926 OF 2018

Ujwala Ramkrushna Pawar & Ors ...Petitioners
Versus
The State of Maharashtra through Principal ...Respondents
Secretary, School Education and Sports
Department & Ors

WITH

WRIT PETITION NO. 13234 OF 2017

Bhimrao Gorakh Navgire ...Petitioner
Versus
The State of Maharashtra through the Secretary ...Respondents
& Ors

WITH

WRIT PETITION NO. 13233 OF 2017

Shivaji Arjun Karande ...Petitioner
Versus
The State of Maharashtra through the Secretary ...Respondents
& Ors

Mr Alankar Kirpekar, *with Sagar Kasar, Sachin Patil & Chaitali Bhogle, i/b VMK Legal, for the Petitioner in WP/5909/2008.*
Mr NV Bandiwadekar, *Senior Advocate, for the Petitioner in WP/507/2011 & WP/506/2011.*
Mr SS Pakale, *Senior Advocate, with Nilesh Desai, for the Petitioner in WP/6328/2008.*
Ms Kumud Bhatia, *for the Petitioner in WP/681/2011.*
Mr AR Shaikh, *for the Petitioner in WP/2197/2006 & WP/4909/2008 and for Respondent No. 4 in WP/5909/2008.*

Mr Ashutosh Gole, *for the Petitioner in WP/2564/2006.*

Mr Anilkumar Patil, *for the Petitioner in WP/4937/2011,
WP/4935/2011 & WP/6423/2011.*

Mr Sachin S Punde, *for the Petitioner in WP/9926/2018.*

Mr Rohit D Govade, *i/b RN Gite, for Respondent No. 1 in
WP/4937/2011 & WP/4935/2011.*

Mr Rakesh Bhatkar, *for Respodnent No. 8 in WP/6328/2008.*

Mr NC Walimbe, AGP, *for the Respondent-State in WP/5909/2008.*

Mr SB Kalel, AGP, *in all other Petitions.*

**CORAM G.S. Patel &
 Neela Gokhale, JJ.**

DATED: 27th June 2023

PC:-

1. This is a large group of Petitions.
2. Writ Petition No. 9926 of 2018 (*Ujwala Ramkrushna Pawar & Ors vs The State of Maharashtra through Principal Secretary, School Education and Sports Department & Ors*) is said to be disposed of and should not be shown in the group. It will be detagged.
3. In Writ Petition No. 13234 of 2017 (*Bhimrao Gorakh Navgire v The State of Maharashtra Through The Secretary & Ors*) and Writ Petition No. 13233 of 2017 (*Shivaji Arjun Karande v The State of Maharashtra & Ors*), none appears for the Petitioners. We will not dismiss the Petitions today since the entire group is listed at the instance of Mr Kirpekar who appears for the Petitioners in another Writ Petition No. 5909 of 2008. However, if the Petitioners are absent on the next date, we will dismiss those Petitions.

4. Writ Petition No. 2197 of 2006 (*Shriram Education Society v The State of Maharashtra & Anr*) is filed by the Shriram Education Society. This is the 4th Respondent in Writ Petition 5909 of 2008 (*Majumdar Ujwala Moreswar v The State of Maharashtra & Ors*).

5. The Shriram Education Society complains about the cessation or withdrawal of stoppage of grant-in-aid by the state government. The argument seems to be, at one level, that once a grant is given, the state government must not or cannot withdraw funding. We will consider this on the next date.

6. Writ Petition No. 2564 of 2006 (*Nashik Shikshan Prasarak Mandal & Anr v The State of Maharashtra & Ors*) stands on a slightly different footing. Here the institute did receive funding but was later told that this was temporary and was wrongly granted and there was an attempt by the state government to initiate recovery of a grant already disbursed and fully utilized.

7. The questions of continuance of grant and questions of recovery of grants disbursed and utilized are two distinct and separate challenges and will be approached accordingly.

8. All the other Petitioners appear to be by employees of one or the other of various aided schools. Mr Pakhale appears in Writ Petition No. 6328 of 2008 (*Anand Baburao Shinde & Ors v The State of Maharashtra & Ors*). The Petitioners here are teachers but challenge a GR dated 1st April 2008. That GR amended the eligibility for getting employment and the plea is that these persons

should have been considered and presumably should have been appointed.

9. This case is therefore distinct from the cases of serving employees such as those represented by Mr Kirpekar in Writ Petition No. 5909 of 2008 (*Majumdar Ujwala Moreshwar v The State of Maharashtra & Ors*) and Mr Bandiwadekar in Writ Petition No. 506 of 2011 (*Sharayu Pradeep Mahajan v The State of Maharashtra & Ors*) and 507 of 2011 (*Chitra Nitin Pendharkar v The State of Maharashtra & Ors*). Writ Petition No. 681 of 2011 (*Patil Vaishali Vishnu v Maharashtra Arogya Mandal & Ors*) has reliefs similar to those sought in Writ Petition No. 5909 of 2008. Mr Kirpekar puts it somewhat brutally when he says that his clients have been asked to continue working in schools on the same paltry salary for over a decade for over a decade and are being paid no more than Rs. 10,000/- per month. This is apparently on the basis that the college (Shriram Education Society) says that since it does not receive a grant, it cannot pay these teachers more.

10. Writ Petition No. 4949 of 2008 (*Jadhav S Ramchandra v The Dy Director of Education, Nashik & Ors*) seems in one sense to be unconnected since it is by individual seeking reliefs relating to seniority etc. We will consider it separately. This is similar to claim made in Writ Petitions Nos. 4935 of 2011 (*Pushpavati Balasaheb Shirsat v Niphad Taluka Education Society Through Its Chairman*) and 4937 of 2011 (*Kiran Sukdeo Jadhav v Niphad Taluka Education Society Through Its Chairman & Ors*).

11. The Petitions thus cover a wide range of issues and it is necessary to organise the hearings in a systematic manner. We propose to begin with the two Petitions by the institutions although these are also slightly different from each other. If the Petition by Shriram Education Society fails, then it will undoubtedly assume a liability in the Petitions where Shriram Education Society is a Respondent.

12. We will then consider the claims of Petitioners who are serving in schools such as those represented by Mr Kirpekar and Mr Bandiwadekar. We will proceed to the matters where people are claiming rights to be considered or have claims as to seniority thereafter.

13. There may be allied issues such as seniority, absorption etc. but these will be taken up sequentially. We have only broadly indicated the sequence of these Petitions.

14. Before the next date of final hearing, we will need in each Petition a concise list of dates and events since all the Petitions have different factual backgrounds. If there are authorities to be cited, these are to be properly complied and indexed and soft copies of both the list of dates and the authorities should be submitted in advance.

15. The lists of dates and compilations must be submitted on pen drive on 18th July 2023.

16. List the matter on 20th July 2023 at 2.30 pm.

17. In many of these matters we are informed that there are previous orders referring some or all questions to the Grievance Committee. We are told that hearings concluded in September 2022 but no order has been passed as yet. We do not see why in Petitions of 2008 and 2011 we should be asked to await orders of Grievance Committee. We will proceed with the Petitions ourselves.

(Neela Gokhale, J)

(G. S. Patel, J)