



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO.7527 OF 2022

1. Ku. Sangita Shamrao Deshmukh
Age – 50 years, Occupation – Service,
R/o. - Siddhivinayak Apartment,
Rautwadi Akola, Tq. and District Akola
2. Ku. Padma Keshavrao Wadatkar,
Age – 45 years, Occupation – Service,
R/o – Gajanan Nagar, Telhara,
Tq. Telhara, District Akola
3. Ku. Anuradha H. Bharsakle
Age – 43 years, Occupation – Service,
R/o Gayatri Nagar, Telhara,
Tq. Telhara, District Akola
4. Ganesh Shankarrao Kukde,
Age – 44 years, Occupation – Service,
R/o Gayatri Nagar, Telhara,
Tq. Telhara, District Akola
5. Shailesh Jaydeorao Bharate,
Age – 44 years, Occupation – Service,
R/o Near Kalash Mangal Karyalaya,
Mothi – Umari, Akola
Tq. and District Akola
6. Ravindra Vishwanath Gomase,
Age – 44 years, Occupation – Service,
R/o At Sangrampur, Tq. Sangrampur,
District Akola
7. Ganesh Mahadeorao Phule,
Age – 43 years, Occupation – Service,
R/o – C/o. Eknath Patil,
Maratha Nagar, Akola,
Tq. and District Akola

8. Mahadev Suryabhan Chandangole,
Age – 47 years, Occupation – Service,
R/o – Shivsena, Vasahat,
Bajrang Chowk, Old City, Akola
Tq. and District Akola

...PETITIONERS

VERSUS

1. Zilla Parishad, Akola through
Education Officer (Secondary),
Office at Behind Santoshi Mata
Mandir, Akola, Tq. and District Akola
2. Akash Shikshan Sanstha,
through its President,
Laxmi Nagar, Murtizapur Road,
Akola, Tq. and District Akola

...RESPONDENTS

Mr. P.S. Patil, Advocate for the petitioners.
Ms K. Deshpande, Assistant Government Pleader for respondent
No.1/State.

CORAM : **AVINASH G. GHAROTE &**
URMILA JOSHI-PHALKE, JJ.

DATED : **SEPTEMBER 20, 2023**

ORAL JUDGMENT (PC) :

RULE. Rule made returnable forthwith. Heard finally with the consent of learned Counsel for both the parties.

2. The only reason why the approval has been denied by the Education Officer (Secondary) by the impugned communication dated 17/06/2022 (page 62) is the communication dated 22/09/2017 (page 77) by which the management has intimated the termination of the

services of the petitioners on account of closure of the school. However, said communication has been withdrawn by the subsequent resolution dated 09/12/2017 (page 65) which also stands communicated to the Education Officer on 09/12/2017 (page 64) indicating that the petitioners were retrenched and not terminated. In pursuance to the order dated 02/11/2018 in Writ Petition No.7593/2018 filed by the petitioners, it is not in dispute that the petitioners have been absorbed in another school, which would substantiate the plea regarding their retrenchment, and therefore, it would be Rule 26 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 and not Rule 25-A which would be attracted.

3. In this view of the matter, the impugned order dated 17/06/2022 is therefore hereby quashed and set aside, and respondent No.1 is directed to consider the salary bills of the petitioners in light of the above position.

4. The petition is accordingly allowed.

5. Rule made absolute in the above terms. No costs.

(URMILA JOSHI-PHALKE, J.) (AVINASH G. GHAROTE, J.)