



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1038 OF 2022

1. Sujata Pundalik Babar
 2. Asha Venkatrao Patil
 3. Papanbai Goroba Yadav
- ... PETITIONERS

VERSUS

1. The State of Maharashtra
through its Principal Secretary,
Department of School Education,
Mantralaya, Mumbai – 400 032
 2. The Deputy Director of Education,
Latur, Division, Latur.
 3. The Education Officer (Primary),
Zilla Parishad, Osmanabad
 4. Sant Dnyaneshwar Vidyamandir Shikshan
Sanstha, Osmanabad, Pathrud Galli,
Osmanabad, Tq. & Dist. Osmanabad
through its President
 5. The Headmaster,
Sant Dnyaneshwar
Primary School Osmanabad,
Tq. & Dist. Osmanabad-413501
- ... RESPONDENTS

...

Advocate for the Petitioners : Mr. Deshmukh S.S.
AGP for Respondent/State : Mrs. K.B. Patil - Bharaswadkar
Advocate for Respondent No.3 : Mr. B.B. Bhise
Advocate for respondent Nos.4 and 5 : Mr. S.S. Jadhavar

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WITH
WRIT PETITION NO.2075 OF 2022

1. Surajkumar Kailas Yevale
 2. Dhananjay Kashinath Satpute
- ... PETITIONERS

VERSUS

1. The State of Maharashtra
through its Principal Secretary,
Department of School Education,
Mantralaya, Mumbai – 400 032
2. The Deputy Director of Education,
Latur, Division, Latur.

3. The Education Officer (Primary),
Zilla Parishad, Osmanabad
 4. Sant Dnyaneshwar Vidyamandir Shikshan
Sanstha, Osmanabad, Pathrud Galli,
Osmanabad, Tq. & Dist. Osmanabad
through its President
 5. The Headmaster,
Sant Dnyaneshwar
Primary School Osmanabad,
Tq. & Dist. Osmanabad-413501
- ... **RESPONDENTS**

...

Advocate for the Petitioners : Mr. Deshmukh S.S.
 AGP for Respondent/State : Mrs. K.B. Patil - Bharaswadkar
 Advocate for Respondent No.3 : Mr. B.B. Bhise
 Advocate for respondent Nos.4 and 5 : Mr. S.S. Jadhavar

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WITH**WRIT PETITION NO.10280 OF 2022**

Tanaji Tukaram Nande ... **PETITIONER**

VERSUS

1. The State of Maharashtra
through its Principal Secretary,
Department of School Education,
Mantralaya, Mumbai – 400 032
 2. The Deputy Director of Education,
Latur, Division, Latur.
 3. The Education Officer (Primary),
Zilla Parishad, Osmanabad
 4. Sant Dnyaneshwar Vidyamandir Shikshan
Sanstha, Osmanabad, Pathrud Galli,
Osmanabad, Tq. & Dist. Osmanabad
through its President
 5. The Headmaster,
Sant Dnyaneshwar
Primary School Osmanabad,
Tq. & Dist. Osmanabad-413501
- ... **RESPONDENTS**

...

Advocate for the Petitioner : Mr. Deshmukh S.S.
 AGP for Respondent/State : Mrs. K.B. Patil - Bharaswadkar
 Advocate for Respondent No.3 : Mr. B.B. Bhise
 Advocate for respondent Nos.4 and 5 : Mr. S.S. Jadhavar

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CORAM : **MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : **08.07.2024**

PER COURT:

We have heard both the sides.

2. The petitioners are the employees of the respondent – Management and are impugning the decision taken by the respondent No.3 holding that in the order dated 09.08.2021 *inter alia* holding the petitioners to be responsible for closure of the school and by referring to Rule 25(2) of the Maharashtra Employees of Private Schools' (Conditions of Service) Rules, 1981 holding the Management to be responsible for payment of salary and expressly refusing to include the petitioners names in the list of surplus teachers in the light of Sub-Section 2 of Section 25(A).

3. The learned advocate for the respondent No.3 tenders across the bar additional affidavit-in-reply, wherein, he has tendered unconditional apology in response to the observations of this Court in the orders date 24.07.2023 and 25.06.2024, whereby, he was called upon to expressly state the provision under which he had passed the order.

4. The learned advocate for the respondent No.3, on instructions, submits that the respondent No.3 would reconsider the matter and would pass a fresh order in accordance with law by hearing

the petitioners as well as the Management.

5. In light of such statement being made, we allow the writ petitions partly, quash and set aside the impugned order and remit the matters back to the respondent No.3 for decision afresh. The decision shall be taken as expeditiously as possible and in any case within twelve weeks.

6. All the issues are kept open including the date of closure and entitlement of the petitioners to salary.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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