



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 CIVIL APPLICATION NO. 1873 OF 2024
IN WP/180/2024

GORAKH MORESHWAR DEOKAR AND OTHERS
.....Applicants

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS
.....Respondents

WITH

WRIT PETITION NO. 180 OF 2024

GORAKH MORESHWAR DEOKAR AND OTHERS
.....Petitioners

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS
.....Respondents

WITH

WRIT PETITION NO. 1763 OF 2024

MUNNA IQBAL SHAIKH AND OTHERS
.....Petitioners

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS
.....Respondents

WITH

CIVIL APPLICATION NO. 1876 OF 2024

IN WP/13025/2023

NILESH SHIVAJI VAKHARE AND OTHERS
.....Petitioners

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS
.....Respondents

WITH

CIVIL APPLICATION NO. 1874 OF 2024

IN WP/13008/2023

SANTOSH ASHOK DEVARE AND OTHERS

.....Petitioners

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

.....Respondents

WITH

WRIT PETITION NO. 1764 OF 2024

GANESH DEVIDAS PANDIT AND OTHERS

.....Petitioners

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

.....Respondents

WITH

WRIT PETITION NO. 13025 OF 2023

NILESH SHIVAJI VAKHARE AND OTHERS

.....Petitioners

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

WITH

WRIT PETITION NO. 13008 OF 2023

SANTOSH ASHOK DEVARE AND OTHERS

.....Petitioners

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

WITH

WRIT PETITION NO. 12192 OF 2022

VISHNUPANT SUBHANRAO DESHMUKH AND OTHERS

.....Petitioners

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS DEPARTMENT OF EDUCATION AND OTHERS

WITH

WRIT PETITION NO. 13705 OF 2021

SANDIP KASHINATH KARDILE

.....Petitioners

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

.....Respondents

WITH

WRIT PETITION NO. 12998 OF 2023

PRAVIN DILEEP DHALE AND OTHERS

.....Petitioners

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

.....Respondents

WITH

WRIT PETITION NO. 15906 OF 2023

ASHABAI BABULAL KHATAL

.....Petitioner

VERSUS

THE STATE OF MAHARASHTRA
THROUGH THE SECRETARY AND OTHERS

.....Respondents

WITH

WRIT PETITION NO. 15701 OF 2023

SEEMA SURESH DANGE ALIAS SEEMA RUSHIKESH KALE

.....Petitioner

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 126 OF 2024

SAMPAT BAPURAO AHER

.....Petitioners

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

.....Respondents

.....

Mr. Mahesh Deshmukh h/for Mr. R. B. Temak, Mr. V. B. Jagtap,
Advocate for the Applicants/Petitioners in respective
Mr. A.B.Girase, Government Pleader for the Respondents State.
Mr. P. S. Parnjape, Advocate for the Respondent Education Society.

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 12th February, 2024

ORDER:

1. In the Writ Petitions, we had initially issued notice on 19th October, 2023. The Parties were served. On 4th January, 2024, we granted the Education Society time to file its reply till 17th January, 2024. Even on 17th January, the reply was not filed. So an order was passed that the affidavit in reply should be filed on or before 8th February, 2024. Even then, the Education Society has not filed the Reply.

2. Today, these Petitioners are before us thorough their Civil Applications with the grievance that the compromise terms arrived at in Writ Petition No. 2549 of 2018 between the Petitioners and the Respondent Education Society before this Court at the Principal Seat,

dated 13.09.2021, are not being complied with. Paragraph Nos. 3 and 4 are read out to us, which are as under:

"3. After the Petitioners would be reinstated as mentioned hereinabove, the Respondent Management shall prepare a combined list of all the Petitioners, working on temporary and Clock Hour Basis. The said combined seniority list shall also include the names of other Teachers, who have not filed similar Writ Petitions in this Hon'ble Court against the Management, but who were in service under the Respondent Management till the Academic Year 2016-2017. The seniority of the Petitioners shall be on the basis of the date of their initial appointment under the Respondent Management. Such a seniority list shall be prepared by the Respondent Management within a period of 6 weeks from today and thereafter the same shall be published on the website of the Management and it shall also be circulated amongst all the Petitioners for verification and confirmation, and the Petitioners shall sign the said combined seniority list in token of having accepted the same within a period of 15 days.

After the Petitioners would be reinstated as mentioned hereinabove, the Respondent No.3 shall prepare a combine seniority list from A.Y.1990 to A.Y. 2016-2017 of all the Petitioners as well as of those Teachers who have not filed the Writ Petitions, but who were actually in service in the A.Y. 2016-2017.

4. The Respondent - Management shall utilize / operate the aforesaid combined seniority list for the

purposes of making appointments of the Petitioners and other Teachers on the permanent posts, as and when the permanent vacancy would become available in the Schools / Junior Colleges of the Respondent - Management. However the same shall be subject to the condition of concerned Teachers included in the said combined seniority list showing their readiness and willingness and giving Undertaking that they are ready to join any School / Junior College of the Respondent - Management where he shall be posted, and he shall not insist for a particular place or post, with further compliance with regard to the educational qualifications required for the said post, but being granted the age relaxation required for the said post."

3. The learned Advocate for the Respondent Education Society submits that the reply will be filed within three days. The learned Advocate for the Petitioners submits that today is the last date for locking the preference by those petitioners, whose names are set out in the common seniority list, which is prepared. We are informed that many of the Petitioners have applied and may be considered, but some of them have not. We grant liberty to those Petitioners or such employees who may have not applied/locked their preferences, to immediately make their applications through the Online process which is to end today. We permit those who have not applied, to lock their preferences, through the Online mode till 11.59 p.m. today.

4. Let the reply of the Education Society be filed on or before 16.02.2024.

5. List these Civil Applications **in the urgent orders category** on 21.02.2024. Until then, the appointments shall not be made.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan