

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1532 OF 2021

Rangrez Wasim Ahmed Zahir Ahmed And ...Petitioners
Anr.

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. Narendra Bandiwadekar, Senior Advocate a/w Mr. Vinayak Kumbhar, Mr. Rajendra Khaire, Mr. Aniket Phapale i/b Ashwini Bandiwadekar for the Petitioner.

Ms. Nisha Mehra AGP for Respondent Nos. 1 to 4/State.

**CORAM : NITIN JAMDAR AND
M.M. SATHAYE, JJ.**

DATE : 22 AUGUST 2024

P.C. :

. Heard learned counsel for the parties.

2. Petitioner No.1 is working as an Assistant Teacher with Petitioner No.2 Education Institute. The Petitioner has filed the present petition for the following prayer clause (b) which reads as under:

“b] By a suitable writ, order or direction, this Hon'ble Court be pleased to quash and set aside the impugned order dated 3.3.2018 [EXHIBIT-M] issued by the Respondent No. 2, and accordingly the order of approval issued by the

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Respondent No. 2 on 27.6.2016 [EXHIBIT-G] may kindly be restored, with further direction immediately to the Respondents release the grant-in-aid to for payment of salary to the Petitioner No.1 as Assistant Teacher w.e.f. 15.6.2016.”

The reason for challenge to the order dated 3 March 2018 is that though approval was granted in respect of Petitioner No.1, it was stipulated that Petitioner No.1 will give an undertaking as per Government Resolution dated 20 June 2016 and instead of transfer of Petitioner No.1 as ‘Assistant Teacher’, it should be as ‘Shikshan Sevak’ from 15 June 2016.

3. The learned Senior Advocate for the Petitioners had relied upon the decision in the case of *Ahtesham Husain Shafiqur Rehman v/s. The State of Maharashtra and Ors.*¹ and other connected petition i.e. *Mastan Shaukat Ali Killedar and Anr. a/s. State of Maharashtra and Ors.*². This decision dated 19 October 2020 in turn relied upon the decision of the Division Bench by this Court in the case of *Pramod Prabhakar Pokale v/s. The State of Maharashtra and Ors.*³ and *Ms. Deokar Dipali Kisan and Ors. v/s. The State of Maharashtra and Ors.*⁴. The learned Senior Advocate for the Petitioner has submitted that these two Petitioners i.e. Ahtesham Husain Shafiqur Rehman and Mastan Shaukat Ali Killedar were also employees of

1 Writ Petition No. 1542 of 2019

2 Writ Petition No. 1487 of 2019

3 2019 (4) Mh. L.J. 278

4 Writ Petition No. 5313 of 2017

the very same Petitioner No.2-Management and in their cases also identical impugned orders were passed which were set aside by the Division Bench by order dated 19 August 2020. Therefore, the learned AGP has taken time to take instructions and the petition was adjourned from 19 August 2024 till today.

4. The learned AGP states that instructions have been received from Sachin Jagtap, Education Officer (Secondary), Zilla Parishad, Solapur that the case of the Petitioner is covered by the decisions in the case of *Pramod Prabhakar Pokale* (supra) and *Ms. Deokar Dipali Kisan and Ors.* (supra) and thus by the other case of Petitioner's co-employees as above. The written instructions is taken on record and marked 'X' for identification.

5. That being the position, on the basis of parity and in view of the stand of the State similar course of action will have to be adopted as in the case of *Ahtesham Husain Shafiqur Rehman* (supra).

6. Accordingly, Writ Petition is allowed in terms of prayer clause (b). Necessary action be taken within a period of 8 weeks, subject to earlier time bound duties.

7. The Writ Petition is disposed of in the above terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)