

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11490 OF 2016

Sheshrao Uttam Damale ...Petitioner
Versus
The State Of Maharashtra and Ors. ...Respondents

WRIT PETITION NO. 11511 OF 2016

Yashwantrao Popatrao Raul ...Petitioner
Versus
The State Of Maharashtra and Ors. ...Respondents

WRIT PETITION NO. 11550 OF 2016

Gopinath Murlidhar Auti ...Petitioner
Versus
The State Of Maharashtra and Ors. ...Respondents

**WITH
WRIT PETITION NO. 11493 OF 2016**

Tushar Vasant Patil ...Petitioner
Versus
The State Of Maharashtra and Ors. ...Respondents

**WITH
WRIT PETITION NO. 11638 OF 2016**

Vijay Gangadhar Salunke ...Petitioner
Versus
The State Of Maharashtra and Ors. ...Respondents

Mr. Narendra V. Bandiwadekar, Senior Advocate a/w. Mr. Vinayak Kumbhar, Mr. Rajendra Khaire, Mr. Aniket i/b. Mr. Sagar Mane for Petitioners in all Writ Petitions.

Mr. S. B. Kalel, AGP for Respondent/State in all petitions.

Mr. Onkar A. Wable i/b. Mr. Milind Deshmukh for Respondent No.4 in WP/11493/2016.

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

DATED : 18 APRIL 2024

P.C.:

1. The Petitioners were working as Assistant Teachers with the Respondent–Management. They have filed these Petitions for directions for protection of their pay.
2. These Writ Petitions came up on Board on 19 January 2024 and the following order came to be passed.

“ The learned AGP seeks time to file reply affidavit.

2. The Petitioners have taken an exception to stipulation in the order granting approval, that there will be no pay protection based on Government Resolution dated 15 September 2011. According to the Petitioners, stipulation is because of condition no. 3 stated in Government Resolution dated 15 September 2011 which states that there will be no pay protection for those who have been appointed from primary to secondary or higher secondary division.

3. The learned Senior Advocate for the Petitioners submits that now the State Government by Government

Resolution dated 16 December 2022 has granted pay protection even to those who have been appointed from primary to secondary or higher secondary division.

4. The Deputy Director of Education, Nashik will examine this position and if contention of the Petitioners based on the Government Resolution dated 16 December 2022 is found to be correct, then he will proceed to issue necessary orders correcting the order of approval. If the Deputy Director of Education is of the opinion that such Government Resolution is not applicable or for any other cogent reason, stipulation must remain, then reply affidavit be filed before the next date.

5. Stand over to 15 March 2024.”

3. The Deputy Director of Education has filed an Affidavit in all these Petitions pursuant to the order and has taken the same stand. For the purpose of record, the stand taken in the affidavit filed in Writ Petition No. 11490 of 2016 is as under:-

“2. I say & submit that in pursuant to the direction of this Hon’ble High Court on dated 19.1.2024, this respondent was held hearing in my office for examine the applicability of government Resolution dated 16.12.2022 to the proposal of Petitioner regarding to the pay protection. In the said hearing petitioner and representative of Respondent school management was present.

3. I further submit that after considering the submission of all concerns and condition laid down in the government resolution dated 16.12.2022, this respondent issued a reasoned order dated 20.3.2024.

In the said order, this respondent clarified that the petitioner quailed as per the conditions laid in G.R. 16.12.2022 & for this reason, rectified his previous order dated 20.07.2015. This Respondent also directed the school management to submit the proposal to fix pay-scale of Petitioner before Respondent No. 6. Hereto annexed and marked as Exhibit-I is the copy of the said hearing order dated 20.03.2024”

4. Learned AGP points out that in view of this step taken by the Deputy Director of Education, the grievance of the Petitioners does not survive. This position is also accepted by the learned Counsel for the Petitioners.
5. No further orders are required. The Writ Petitions are disposed of.
6. Pursuant to the stand taken by the Deputy Director of Education, the State will take further consequential steps.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)