



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

WRIT PETITION NO. 1738 OF 2024

(Abdul Sayeed Shaikh Nazeer and another vs. Education Officer (Secondary) Zilla Parishad,
Washim)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. P.S.Patil, Advocate for the petitioners.

Mr. S.M.Ukey, Additional Government Pleader for the respondent.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : SEPTEMBER 09, 2024

It is not in dispute that the petitioner No.1 is an employee of Minority Institute i.e. petitioner No.2.

2) In that view of the matter the claim put forth by the petitioners that the issue is covered by the order passed in Writ Petition No.6894 of 2023 (***Sadaf Imamoddin Masood vs. State of Maharashtra and others***) with connected matters decided on 02/11/2023 appears to be correct position. That being so, we allow the petition for the reasons recorded in the aforesaid order dated 02/11/2023 in terms of prayer clause (i) of the petition.

3) We direct the addition of the name of the petitioner No.1 in Shalarth Pranali and the Education Officer shall process the request of the petitioner No.1 for release of the salary.

4) Since the issue is subjudice before the Apex Court and in case the issue is answered against the petitioners by the Apex Court in pending Special Leave Petition in relation to other similarly placed Institute/employee, the petitioner No.1 without claiming any equity will make good loss by redepositing the

entire amount drawn by him as directed by the Deputy Director of Education. An undertaking in this regard be furnished to this Court within a period of two weeks.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

KOLHE