

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

WRIT PETITION NO. 3845 OF 2024

Rajendra Vasantrao Sonawane & Anr.	...	Petitioners
versus		
The State of Maharashtra & Ors.	...	Respondents

**WITH
INTERIM APPLICATION NO. 13799 OF 2024
IN
WRIT PETITION NO. 3845 OF 2024**

The Secretary, Rayat Education Society	...	Applicant
versus		
Rajendra Vasantrao Sonawane & Ors.	...	Respondents

**WITH
WRIT PETITION NO. 3908 OF 2024**

Ramnath Trimbak Gadakh & Anr.	...	Petitioners
versus		
The State of Maharashtra & ors.	...	Respondents

**WITH
INTERIM APPLICATION NO.10083 OF 2024
IN
WRIT PETITION NO. 3908 OF 2024**

Ramrao Atmaram Bachhav & Ors.	...	Applicants
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IN THE MATTER BETWEEN

Ramnath Trimbak Gadakh & Anr.	...	Petitioners
versus		
State of Maharashtra & Ors.	...	Respondents

**WITH
INTERIM APPLICATION NO. 13802 OF 2024
IN
WRIT PETITION NO. 3908 OF 2024**

Nasik District Maratha Vidya
Prasarak Samaj, Nashii ... Applicant
IN THE MATTER BETWEEN

Ramnath Trimbak Gadakh & Anr. ... Petitioners
versus
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 14063 OF 2024**

Pramod Pundalik Lavangale ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 11243 2023**

B.Ed. Niyukta Madyamik Shikshan
Sangh & Anr. ... Petitioners
versus
The State of Maharashtra & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO. 1729 OF 2024
IN
WRIT PETITION NO. 11243 OF 2023**

Padvidhar D. Ed. Kala/ Krida /
Shikshak & Shikshaketar Sangh & Anr. ... Applicants

IN THE MATTER BETWEEN
B.Ed Niyukta Madhyamik Shikshan
Sangh & Anr. ... Petitioners

versus
State of Maharashtra & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO. 1728 OF 2024
IN
WRIT PETITION NO. 11243 OF 2023**

Maharashtra Madyamik D.Ed. Shikshak
Mahasangh ... Applicant

IN THE MATTER OF

B.Ed.Niykta Madhyamik Shikshak
Sangh & Anr. ... Petitioners

versus
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 15371 OF 2024**

Sandip s/o. Trimbak Gosavi & Ors. ... Petitioners

versus
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 16786 OF 2023**

Lok Seva Mandal, Bhadrawati & Ors. ... Petitioners

versus
State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 13191 OF 2019**

Modern Education Society & Ors. ... Petitioners

versus
Shyamkumar Mahadevrao Badnerkar
and Another ... Respondents

Mr.A.G.Ambetkar with Mr.Deepak Pote for the Petitioners in WP No. 15371 of 2024.

Mr.Mihir Desai, Senior Advocate with Mr.Sachin Kadam for the Petitioners in WP No. 3845 of 2024.

Mr.Narendra Bandiwadekar, Senior Advocate with Mr.Sachin Kadam for the Petitioners in WP No. 3908 of 2024.

Mr.Mihir Desai, Senior Advocate with Mr.Sachin Kadam for the Petitioners in WP No. 11243 of 2023.

Mr.Sachin Kadam for the Petitioners in WP No. 14063 of 2024.

Mr.Milind Deshmukh with Mr.Onkar A. Wable and Mr.Swapnil Vighne for the Respondent -Management (Rayat Education Society).

Mr.R.S.Apte, Senior Advocate i/b. J.H.Oak for the Intervenor in IA No. 1728 of 2024.

Mr.Yatin Malvankar for the Intervenors in IA No. 10083 of 2024 and IA No. 1729 of 2024.

Mr.Ketan Dhavle for Respondent No.4 in WP No. 11243 of 2023.

Mr.Sachin Gite for Respondent No.4 in WP No. 3908 of 2024.

Mr.B.V.Samant, Addl.GP with Mr.V.M.Mali, Ms.T.J.Kapre, AGP for the Respondent -State in WP Nos. 3845 of 2024 and 3908 of 2024.

Mr.V.G.Badgujar, AGP for the Respondent -State in WP No. 15371 of 2024.

Mr.Pooja Joshi Deshpande, AGP for the Respondent -State in WP Nos. 14063 of 2024, 16786 of 2023 and 13191 of 2019.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 11th February, 2025

P.C. :-

1. On 29th January, 2025, while considering Interim Application No. 13799 of 2024 filed by the Rayat Education Society, we have passed the following order :

1. Shri Kumbhakoni, the learned Senior Advocate for the Applicant, has drawn our attention to the Interim Application filed by the education society for the purpose of seeking leave of this Court to proceed to appoint eligible candidates as Head Masters/Assistant Head Masters. The reason for taking out the Application is in the light of the order of this Court dated 20th March, 2024 passed in Writ Petition Nos. 3845 of 2024 and 3908 of 2024, wherein the Respondent Management was enjoined from making any promotion without the leave of the Court. In the said order, the State was directed to file an affidavit in reply.

2. By an order dated 7th January, 2025 passed by this Court, the State was directed to file its reply, on or before 24th January, 2025. The said reply is yet to be filed.

3. The learned Addl.GP submits that the State is not required to enter an affidavit in reply in view of the changed circumstances pursuant to the order of this Court dated 7th January, 2025. The Government Circular dated 28th January, 2025 (12 pages), has been issued by the State Government and the learned Addl. GP is instructed to canvas that the said Circular deals with the controversy before this Court. The same is taken on record and marked as 'X-1' for identification.

4. This Court had called for an explanation

from the State Government as to whether the notification dated 24th March, 2023 would have prospective effect or could be implemented retrospectively, which would affect several candidates. The learned Addl.GP further submits that this Government Circular dated 28th January, 2025 will solve most of the problems. Since the Government Circular, 'X-1', has been tendered, the direction to file an affidavit in reply is withdrawn, on the request of the learned Addl.GP, made on instructions.

5. Shri Kumbhakoni, Shri Desai and Shri Bandiwadekar, the learned Senior Advocates along with the other learned Advocates, submit that they need time to study this Government Circular, which is issued yesterday, on 28th January, 2025. They will have to consider the pros and cons and the circumstances which would undergo a change in view of the same.

6. Considering the above, we are listing this Application on 11th February, 2025 at 2.30 pm."

2. Today, the learned Senior Advocates along with the learned Advocates representing the Petitioners as well as the Respondents, are ***ad-idem*** on a fresh senior list will be formalized in the light of the Government Circular dated 28th January, 2025 and the appointments would be made on the posts available strictly in terms of the newly formalized seniority list. All the learned Senior Advocates jointly submit that all these matters can now be disposed

off since the Rayat Education Society/ Other Educational Institutions have decided to formalize the senior list in the light of the said Circular.

3. Mr. Apte, the learned Senior Advocate, representing the Intervenor in Interim Application No. 1728 of 2024 in Writ Petition No. 11243 of 2023 and Mr. Malvankar, the learned Advocate, representing the Intervenors in Interim Application No. 10083 of 2024 in Writ Petition No. 3908 of 2024 and Interim Application No. 1729 of 2024 in Writ Petition No. 11243 of 2023, jointly submit that they may have a cause against the Government Circular dated 28th January, 2025.

4. In view of the above, **all these Petitions and the Interim Applications filed either by the Petitioners or the Respondents therein, are disposed off**, by consent of the parties, by recording that the Rayat Education Society/ Other Educational Institutions would be formalizing the seniority list in terms of the Government Circular dated 28th January, 2025 and thereafter, proceed to make appointments/promotions strictly in accordance with law.

5. Insofar as the Intervention Applications filed by the Intervenors are concerned, **the said Applications are disposed off** with liberty that, if these Intervenors, after the fresh seniority list is finalized, or even before that, have any grievance and avail of a remedy, as is permissible in law, all contentions are kept open.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)