

(2015) 08 BOM CK 0318

In the Bombay High Court

Case No : W.P. Nos. 7587 to 7622 of 2015

Dadade Khanderao Vithoba and Others

APPELLANT

Vs

State of Maharashtra and Others

RESPONDENT

Date of Decision : 20-08-2015

Acts Referred:

Citation : (2015) 6 MhLj 435

Hon'ble Judges : Anoop V. Mohta and A.A. Sayed, JJ.

Bench : Division Bench

Advocate : N.V. Bandiwadekar and Sagar Mane, for the Appellant; V.N. Sagare, A.P.P., for the Respondent

Final Decision : Allowed

Judgement

Anoop V. Mohta, J.—Rule, made returnable forthwith. Heard finally by consent of parties. As common issues are involved and as the respondents and the nature of orders, including the contents of the same are common, therefore, we are inclined to dispose of all these Petitions by this Judgment.

2. This Court, after hearing both the parties, on 13-4-2015 (Writ Petition No. 3037/2015 along with other companion matters) in similarly situated circumstances in respect of the very same petitioners, directed the respondents to decide the Application for approval filed by petitioner No. 3-management also in accordance with law.

3. By impugned orders dated 25 June, 2015, respondent No. 2-Education Officer, Zilla Parishad, without assigning any reasons specifically to the fact that all the petitioners appointments were made by following the due procedure prior to 2 May, 2012, after due advertisement and obtaining due permission from respondent No. 2. As these facts go to the root of the matter, the respondent, while passing the impugned order, though referred to Government Resolutions dated 2 May, 2012, 23 October, 2013, 14 October, 2014 and 12 February, 2015 but failed to take note of above facts and other circulars and its effects, as the

Government Resolutions as referred, are subsequent to the appointments in question and prospective in operation. There is nothing on record to show that these Government Resolutions have retrospective effect.

4. The learned counsel appearing for the petitioners has pointed out relevant Government Resolution dated 6 September, 2015 which covers the case as contended by the petitioners that the appointments made prior to 2 May, 2012 are required to be granted approval. There is not even reference made to this Government Resolution in the impugned order while referring to the Government Resolutions so recorded above. The impugned order, therefore, is unjust, unsustainable and liable to be quashed and set aside. Therefore, in the interest of justice and considering the missing reasons, we are inclined to interfere with the similar impugned orders dated 25 June, 2015, and accordingly quash and set aside. Therefore, the following order:

(i) Impugned communications/letters dated 25 June, 2015 issued by respondent No. 2 are quashed and set aside.

(ii) Respondent No. 2 is directed to decide the Applications afresh in view of above observations with reasons, as early as possible, preferably within eight weeks from today.

(iii) All the writ petitions are accordingly allowed.

(iv) Rule in all the Petitions made absolute in the above terms.

(v) No costs.

Parties to act on the basis of an authenticated copy of this order.