



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

WRIT PETITION NO.1855 OF 2013

Jahida Mohd. Shaikh @

Nasim d/o. Hussain Khan and ors. ..Petitioners.

vs.

The State of Maharashtra and ors. ..Respondent.

Mr.Chetan Agarwal and Ujjwal Agarwal for the Petitioners.

Mrs. S.S.Bhende, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : MOHIT S. SHAH, C.J. AND
M.S. SANKLECHA, J.**

Tuesday, 9th April, 2013

PC:

On the last occasion when the matter came up for hearing on 8 March 2013, at the request of the learned A.G.P. appearing for respondent Nos. 1 and 2, we had granted time till 26 March 2013. The matter is thereafter adjourned twice. Today when the matter is called out, the learned A.G.P. states that she has not yet received any instructions in the matter. Ordinarily, we would have granted the prayer for adjournment but the learned Counsel for the petitioner has invited our attention to the fact that the petitioners are visually impaired teachers who are imparting training to the physically disabled children. Secondly, the learned Counsel has also invited our attention to the order passed by this Court on 21 November 2012 in Writ Petition



No.4902 of 2012 filed by similarly situated visually impaired teachers teaching the children in special education. Learned Counsel for the petitioners submits that the directions given in the above writ petition are also required to be issued in favour of the present petitioners who are three in number.

2) In view of the above, the following directions as ad interim directions are being issued in favour of the petitioners namely i) Jahida Mohd.Shaikh @ Nasim d/o. Hussain Khan ii) Narayan s/o. Gyanba Chinchwade and iii) Rukhmini d/o. Mohan Jadhav.

i) The Respondents shall pay the petitioners having the Diploma in Special Education awarded by the Rehabilitation Council of India as trained special teachers within the meaning of Government Resolution dated 15 September 2010 and to pay the petitioners the salaries and allowances in the pay scale of trained teachers w.e.f. the date of absorption.

ii) The respondents shall not terminate the services of the petitioners possessing the qualification of Diploma in Special Education awarded by the Rehabilitation Council of India on the ground that they are untrained special teachers.



- iii) The arrears of the differences in salary and allowances payable to the petitioners on the aforesaid basis for the period from the date of absorption till 31 March 2013, shall be paid by 4 May 2013.
- iv) The salary and allowances for the period from April, 2013 on the aforesaid basis shall be paid to the petitioners on or before 15 May 2013 and the future salary and allowances shall be paid on the said basis regularly by the 15 day of the succeeding month.
- 3) Stand over to 6 May 2013.
- 4) To be listed first on board.

The parties to act on the authenticated copy of this order duly authenticated by the registry of this Court.

CHIEF JUSTICE

(M. S. SANKLECHA, J.)