

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 112 OF 2015
WITH WP/6727/2015 WITH WP/8010/2015 WITH
WP/8012/2015 WITH WP/8013/2015 WITH WP/8017/2015
WITH WP/8418/2015 WITH WP/8436/2015 WITH
WP/8462/2015 WITH WP/8465/2015 WITH WP/8941/2015
WITH WP/8944/2015 WITH WP/8945/2015 WITH
WP/8949/2015 WITH WP/9274/2015 WITH WP/9291/2015
WITH WP/9293/2015 WITH WP/9294/2015 WITH
WP/9295/2015 WITH WP/9297/2015 WITH WP/9303/2015
WITH WP/9304/2015 WITH WP/9305/2015 WITH
WP/9306/2015 WITH WP/9453/2015 WITH WP/9467/2015
WITH WP/9471/2015 WITH WP/9472/2015 WITH
WP/9697/2015 WITH WP/9698/2015 WITH WP/9701/2015
WITH WP/10081/2015 WITH WP/10090/2015 WITH
WP/10217/2015 WITH WP/10226/2015 WITH
WP/10320/2015 WITH WP/10321/2015 WITH
WP/11478/2015 WITH WP/11503/2015 WITH
WP/11607/2015 WITH WP/11621/2015 WITH
WP/12121/2015 WITH WP/65/2016**

**JAI MALHAR SHIKSHAN PRASARAK MANDAL, NANDED
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Respective Advocates for Petitioners present.
AGP for Respondent/State : Mr. S.B. Yawalkar
Advocates for Respondent/Zilla Parishad: Mr. U.B.
Bondar & Mr. R.K. Ingole

...

**CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.
Dated: April 16, 2016**

...

PER COURT :-

Heard the learned counsel appearing
for the parties. Mr. Salunke, the learned

counsel appearing for the petitioner in Writ Petition No.8010/2015 has tendered across bar the compilation of the copies of the orders passed by the Bombay High Court at Principal Seat and also at this Bench. There are more than 50 orders passed in various Writ Petitions, having similar issue raised and subject matter of those Writ Petitions is also Government Resolution dated 18th August, 2004, issued by the Social Justice, Cultural Affairs, Sports & Special Assistance Department, Government of Maharashtra. Mr. Salunke, the learned counsel relying upon the judgment of the Apex Court in the case of Bir Bajrang Kumar V/s State of Bihar¹, submits that there are two Petitions involving identical points. One admitted but other dismissed by same High Court, it gives rise to a clear possibility of contradictory judgment being rendered by High Court in the same case. Therefore, he submits that since the Writ Petitions, which are filed earlier wherein the Rule is issued and interim relief is also granted, these Petitions deserve to be heard with the said Writ Petitions, which are pending having identical point.

1 1987 AIR (SC) 1345

2. Admittedly, in all the Petitions Government Resolution dated 18th August, 2004, of which reference is already made hereinbefore, has been relied upon by the petitioners. In that view of that, it would be open for the State Government to apply for clubbing all the Petitions pending at Principal Seat and benches having identical point involved for hearing together. However, in order to follow the judicial discipline and to avoid possibility of passing contradictory judgments/orders, we propose to pass the following order :-

ORDER

(i) **Rule.** On Rule, in all the Petitions, the respective counsel appearing for the parties waive service of notice.

(ii) So far as interim relief is concerned, the posts which are admissible in view of the Government Resolution dated 18th August, 2004, of which reference is made hereinabove and the Schedule thereunder, in case appointments are already made, the Respondents are directed to maintain status-quo as to the services of those appointees.

(iii) Needless to observe, till this Petitions are heard and decided, the concerned authority shall grant provisional approval to the services of such appointees, which are appointed within the permissible limit of the Government Resolution dated 18th August, 2004.

(iv) However, we make it clear that, this interim relief granted today will be subject to outcome of the Writ Petitions.

(v) Liberty to move in case of any difficulties arises in implementing this order.

3. Writ Petition No. 10081/2015 to be heard separately.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

...

SGA