

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

WRIT PETITION NO. 12160 OF 2015

Trisharan Shikshan Prasarak Mandal ... **Petitioner**

VERSUS

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

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Mr V. D. Salunke, Advocate for the petitioner
Mr S. K. Kadam, AGP for respondent Nos. 1 and 2
Mr S. P. Malode, Advocate for respondent No. 3

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CORAM : **S. S. SHINDE &
SANGITRAO S. PATIL, JJ.**

DATE : **30th JUNE, 2016.**

PER COURT:

1. Heard the learned counsel appearing on behalf of the respective parties. Mr. Salunke, the learned counsel for the petitioner has tendered across the bar the compilation of the copies of the orders passed by the Bombay High Court at Principal Seat and also at this Bench. There is a bunch of orders passed in various Writ Petitions, having similar issue raised and subject matter of those writ petitions is also as regards Government Resolution dated 18.08.2004, 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 Hon'ble Apex Court in the case of **Bir Bajrang Kumar V/s State of Bihar (AIR 1987 SC 1345)** submits that there are some petitions involving identical issues. One petition is admitted but other are dismissed by same High Court, it gives rise to a clear possibility of contradictory judgments 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, this petition deserves to be heard with the said writ petitions, which are pending having identical point.

2. Admittedly, in all the petitions Government Resolution dated 18.08.2004, of which reference is already made herein-before, has been relied upon by the petitioner. In 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 of contradictory judgments/orders, we propose to pass the following order.

ORDER

- (i) **Rule.** On Rule, the learned counsel for respondents waive service of notice.

- (ii) So far as interim relief is concerned, the posts which are admissible in view of the Government Resolution dated 18.08.2004, 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 that till these petitions are heard and decided, the authority concerned shall grant provisional approval to the services

of such appointees, which are appointed within the permissible limit of the Government Resolution dated 18.08.2004.

(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 any difficulties arises in implementing this order.

[SANGITRAO S. PATIL]
JUDGE

[S. S. SHINDE]
JUDGE