

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

906 WRIT PETITION NO. 15057 OF 2023

**LINGU GANPAT GHANTEWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

...

**WITH
WRIT PETITION NO. 15233 OF 2023
SACHIN PRAKASH MORE
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS**

.....

**WITH
WRIT PETITION NO. 15229 OF 2023
RAKESH DAMODAR BORSE
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS**

.....

**WITH
WRIT PETITION NO. 15255 OF 2023
MOTIRAM TRYAMBAK BACCHAV
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS**

...

**WITH
WRIT PETITION NO. 15218 OF 2023**

HARIDAS RAMRAO KURADE
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS
.....

WITH
WRIT PETITION NO. 15217 OF 2023
SURESH JAGAN PATIL
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS
.....

WITH
WRIT PETITION NO. 15225 OF 2023
VAISHALI DAGA PATIL
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS
.....

WITH
WRIT PETITION NO. 15238 OF 2023
BALAJI LAXMANRAO MIRKUTE
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS
.....

WITH
WRIT PETITION NO. 15214 OF 2023
MADHAV GOVINDRAO JADHAV
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS
.....

WITH
WRIT PETITION NO. 15260 OF 2023
BHARAT DAYARAM NAGRALE
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS
.....

WITH
WRIT PETITION NO. 15261 OF 2023
PRAVIN SHRAVAN PATIL
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS
.....

WITH
WRIT PETITION NO. 15215 OF 2023
PANKAJ BAJIRAO PATIL
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS
.....

WITH
WRIT PETITION NO. 15220 OF 2023
HEMANT RAMESH JAGTAP
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS
.....

WITH
WRIT PETITION NO. 15259 OF 2023
GOPAL DATTU WAGH
VERSUS

THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS

.....

WITH

WRIT PETITION NO. 15237 OF 2023

PANKAJ DAJIBA PATIL

VERSUS

THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS

.....

WITH

WRIT PETITION NO. 15244 OF 2023

NASREEN BANO SHAIKH MOIN

VERSUS

THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS

.....

WITH

WRIT PETITION NO. 15234 OF 2023

MANISHA BASAYYA SWAMI

VERSUS

THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS

.....

WITH

WRIT PETITION NO. 15242 OF 2023

NAVAL SURESH PATIL

VERSUS

THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS

.....

WITH

WRIT PETITION NO. 15216 OF 2023

NARENDRA NARAYAN PATIL

VERSUS

**THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS**

.....

WITH

WRIT PETITION NO. 15278 OF 2023

SUGANDHA SITARAM PATIL

VERSUS

**THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS**

.....

WITH

WRIT PETITION NO. 15223 OF 2023

NILKAMAL VASANT BHOLE

VERSUS

**THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS**

.....

WITH

WRIT PETITION NO. 15303 OF 2023

BALAJI GOVINDRAO JADHAV

VERSUS

**THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS**

.....

WITH

WRIT PETITION NO. 15268 OF 2023

SURESH CHANDRAPRAKASH JADHAV

VERSUS

**THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS**

.....

WITH

WRIT PETITION NO. 15302 OF 2023

PANDIT BAJIRAO SONGAVE

VERSUS

**THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS**

.....

WITH

WRIT PETITION NO. 15266 OF 2023

ANKUSH PANDURANG PAWAR

VERSUS

**THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS**

.....

WITH

WRIT PETITION NO. 15212 OF 2023

MANOHAR KARBHARI BACHHAV

VERSUS

**THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS**

.....

WITH

WRIT PETITION NO. 15306 OF 2023

RAJESH VASANTRAO SALUNKE

VERSUS

**THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS**

.....

WITH

WRIT PETITION NO. 15327 OF 2023

SHARDA DATTATRAYA PATIL

VERSUS

THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS

...

AND

910 WRIT PETITION NO. 15761 OF 2023

BALAJI RAMRAO TIRKMTE

VERSUS

THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND

913 WRIT PETITION NO. 103 OF 2024

RAKHI BALKRUSHNA PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND

914 WRIT PETITION NO. 104 OF 2024

CHANDRAKANT MOTIRAM PATIL

VERSUS

THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS

...

AND

915 WRIT PETITION NO. 105 OF 2024

SWAPNIL CHANDRAKANT PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND

916 WRIT PETITION NO. 106 OF 2024

DIPANJALI PRAVINSHING GIRASE

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND

918 WRIT PETITION NO. 108 OF 2024

KRUSHNAKANT SHRIRANG GIRASE

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND

919 WRIT PETITION NO. 109 OF 2024

PRAVIN GANGADHAR ALLADWAD

VERSUS

THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS

...

AND

920 WRIT PETITION NO. 110 OF 2024

AMOL PRAKASH NIKUMBHE

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND

921 WRIT PETITION NO. 111 OF 2024

RIYAJKHAN TAJKHAN PATHAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND
922 WRIT PETITION NO. 119 OF 2024

SHAIKH ANIS AYUB
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND
923 WRIT PETITION NO. 120 OF 2024

SANJAY SUBHASHRAO BIRADAR
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND
924 WRIT PETITION NO. 121 OF 2024

POPAT HARIBHAU AWARI
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND
925 WRIT PETITION NO. 122 OF 2024

BHAKTARAM SHRIRAM BADE
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND
926 WRIT PETITION NO. 124 OF 2024

SHRIGANESH VISHWANATH MUDGADE
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND

OTHERS

...

AND

927 WRIT PETITION NO. 125 OF 2024

PANKAJ SAHEBRAO PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...

AND

928 WRIT PETITION NO. 127 OF 2024

SARDAR KHATA PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND

929 WRIT PETITION NO. 128 OF 2024

RUPALI RAMESH PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND

930 WRIT PETITION NO. 129 OF 2024

SAMBHAJI ASHOKRAO PATIL

VERSUS

THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND

931 WRIT PETITION NO. 131 OF 2024

SHAIKH ASENSA BEGUM ABDUL GANI

VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

933 WRIT PETITION NO. 133 OF 2024

SAGAR GIRDHAR THAKUR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND
934 WRIT PETITION NO. 134 OF 2024

BALASAHEB BHANUDAS BHIVARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND
935 WRIT PETITION NO. 136 OF 2024

PATHAN NAZERABEE RATAN KHAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND
936 WRIT PETITION NO. 137 OF 2024

SHAIKH NASIR SHAIKH KHAISAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND
937 WRIT PETITION NO. 138 OF 2024

SANJAY PRABHAKAR JADHAV
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND
938 WRIT PETITION NO. 139 OF 2024

SAYYAD AKRAM SALIM
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND
939 WRIT PETITION NO. 140 OF 2024

C BALAJI VITTHALRAO
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND
940 WRIT PETITION NO. 141 OF 2024

RAJENDRA BHIKANRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...

AND
941 WRIT PETITION NO. 142 OF 2024

RAMDAS NAMDEV GAIKWAD
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND

943 WRIT PETITION NO. 145 OF 2024

SURESH NAMDEORAO NAWALE

VERSUS

THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS

...

AND

944 WRIT PETITION NO. 146 OF 2024

JYOTI RAMCHANDER VADJE

VERSUS

THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND

945 WRIT PETITION NO. 147 OF 2024

SHRUTI SHRIKANTRAO AURADKAR

VERSUS

THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND

947 WRIT PETITION NO. 149 OF 2024

PRADIP MANOHARRAO PATIL

VERSUS

THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND

948 WRIT PETITION NO. 150 OF 2024

DAYANAND DADARAO PATIL

VERSUS

THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND

949 WRIT PETITION NO. 151 OF 2024

AJAY KRISHNRAO INGALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND

950 WRIT PETITION NO. 152 OF 2024

SUNIL ASHOK PATIL

VERSUS

THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS

...

AND

951 WRIT PETITION NO. 153 OF 2024

GAJANAN DATTATRAYA AMBHORE

VERSUS

THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS

...

AND

952 WRIT PETITION NO. 154 OF 2024

SWANAND NAVNATH RATHOD

VERSUS

THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND

954 WRIT PETITION NO. 156 OF 2024

RUPESH HANUMANT BHARADE

VERSUS

THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

...

AND
955 WRIT PETITION NO. 157 OF 2024

ASHA SHIVAJI JADHAV
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS

...

AND
956 WRIT PETITION NO. 158 OF 2024

SHAIKH SAGIR SHAIKH MAHMMED
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...

AND
958 WRIT PETITION NO. 160 OF 2024

JAYVANT HARISHCHANDRA PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS

...

AND
959 WRIT PETITION NO. 161 OF 2024

VINOD NIMBA PATIL
VERSUS
THE UNION OF INDIA THROUGH SECRETARY AND
OTHERS

...

Mr. Rahul S. Pawar, Mr. Yogesh M. Patil, Mr. Shrikant B.
Madde, Advocates for the Petitioners in the respective petitions.

Mr. A.B. Girase, Government Pleader a/w Mr. P.K. Lakhotiya,
AGP, for the Respondents/ State Authorities.

Mr. R.R. Bangar, Mr. A.N. Patale and Mr. B.M. Dhanure,
Standing Counsel for the Respondents/ UoI Authorities.

Mr. Maheshkumar S. Sonawane, Advocate for the Respondents/
Jalgaon Zilla Parishad in the concerned petitions.

Mr. S.B. Pulkundwar, Advocate for the Respondents/ Hingoli
Zilla Parishad and Nanded Zilla Parishad in the concerned
petitions.

Mr. P.S. Patil, Advocate for the Respondents/ Nandurbar Zilla
Parishad in the concerned petitions.

...

**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRADE, JJ.**

DATE :- 04th January, 2024

Per Court :-

1. Notice has already been issued in the matter at
Sr.No.906.

2. **Issue notice** to the Respondents in the matters
appearing on today's Board at Serial Nos.910, 913 to 916, 918 to
931, 933 to 941, 943 to 945, 947 to 952, 954 to 956, 958 and 959
mentioned in the above cause title. The learned Government
Pleader waives service of notice on behalf of the Respondents/
State Authorities in all these matters. The learned Standing

Counsel waive service of notice on behalf of the Respondents/ Union of India authorities in the respective petitions. Shri Sonawane, the learned Advocate, waives service of notice on behalf of the Respondents/ Jalgaon Zilla Parishad. Shri Pulkundwar, the learned Advocate, waives service of notice on behalf of the Respondents/ Hingoli Zilla Parishad and Nanded Zilla Parishad. Shri P.S. Patil, the learned Advocate, waives service of notice on behalf of the Respondents/ Nandurbar Zilla Parishad.

3. We have heard the learned Advocates for the Petitioners and the learned Government Pleader, for sometime.

4. As the hearing in these matters progressed, we noticed that there is one set of Writ Petitions wherein, the State Government has taken a categorical stand that the permission of the unit was fabricated, approvals to the appointments were fabricated, no proposals were tendered by following the due procedure at any level before any authority and such Petitioners, on the basis of fabricated and bogus documents, have been drawing their salaries from the State exchequer for more than 8 to 10 years.

5. Another set of Writ Petitions falls in the category,

wherein, the above allegations are not set out against the Petitioners. The only stand of the Government with regard to these Petitioners is that they did not acquire requisite qualifications within the time prescribed by the Government Resolution dated 31.08.2009 issued in the light of the policy of the Central Government to include the special persons/ disabled persons in employment at the secondary stage of imparting education. The said Government Resolution, prima facie, indicates that those special teachers, who do not have the requisite qualifications, would be obliged to acquire such qualifications within three years of their employments and failure to do so, would deprive them of special allowances. There is no clause of termination of their services for not acquiring the qualifications. According to the learned Advocates representing such Petitioners, the State Government has issued the communication dated 12.08.2021 to the State Project Director (Inclusive Education), which would indicate that there is no clause of termination introduced.

6. The learned Government Pleader submits that the Government desires to file affidavits in reply in each of such cases wherein, there are grave and serious allegations against the

Institutions or individual Petitioners. These allegations were not put forth before this Court at the Principal Seat in Writ Petition (Stamp) No.35643/2023 (*Hemlata Karbhari Pawar vs. The State of Maharashtra and others*) and a group of petitions, in which, an order was passed by the learned Vacation Court on 29.12.2023 and before the Nagpur Bench in Civil Application No.3572/2023 in Civil Writ Petition No.3696/2018 (*Chitra Jagdish Mehar vs. Union of India and others*), wherein, an order was passed on 14.12.2023.

7. In view of the above, it would be appropriate for the learned Government Pleader to furnish us a list segregating these petitions into two categories as discussed above. The petitions falling in the category pertaining to the non acquisition of requisite qualifications or belated acquisition of requisite qualifications, could be considered on an earlier date as the Petitioners are praying for interim orders of reinstatement. In the other category of petitions wherein, serious allegations are made, the Government shall file individual or composite affidavit within a time frame.

8. The learned Advocates representing the Petitioners are agreeable.

9. The learned Government Pleader as well as the learned Advocates for the Petitioners may prepare a list of such matters which fall in the second category (wherein no allegations are made). Once such list is tendered to the Court Master, **such petitions would be listed for hearing on 15.01.2024.** They will be called out after the fresh admissions board is over.

10. In the petitions falling in the first category (wherein serious allegations are made), the State Government would file the affidavits pertaining to each of the Petitioners or Institutions or a composite affidavit, which would deal with the conduct of such Petitioners and Institutions, on or before 25.01.2024. The Petitioners are at liberty to enter their rejoinders, if any, on or before 01.02.2024. **This category of petitions will be listed on 05.02.2024 after the fresh admissions board is over.**

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)