

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 565 OF 2002

Ahire Machhindranath Vishnu

...Petitioner

Versus

The Chairman/Secretary,

Nasik Zilla Vidhayak Karya Samiti, Satana, & Ors.

...Respondents

WITH

WRIT PETITION NO. 566 OF 2002

Yashwant Murlidhar Ahire

...Petitioner

Versus

The Chairman/Secretary,

Nasik Zilla Vidhayak Karya Samiti, Satana, & Ors.

...Respondents

IN BOTH MATTERS:

Ms. Kumud Bhatia for the Petitioners

Mr. H.M. Inamdar i/by Mr. M.S. Karnik for Respondents No. 1 and 2

Mr. C.R. Sonawane, Assistant Government Pleader, for the State.

CORAM: **BILAL NAZKI** and
SMT. V.K. TAHILRAMANI, JJ.
DATE: **JUNE 30, 2009**

P.C.:-

The main relief in these petitions claimed by the petitioners is against an order directing them to teach in primary schools, as they contend that they were appointed in secondary schools and were to teach higher classes. Another relief claimed is that the petitioners' seniority should be fixed as trained graduates, and they should be paid what is available to trained graduates, from 1st December, 1992 onwards.

2. During the pendency of these petitions, the orders transferring the petitioners and asking them to teach primary classes have been rescinded. Therefore, these petitions, to that extent, have become infructuous. The petitioners claim that their seniority should be fixed in trained graduates' pay-scale can be considered by the respondents.

3. In this connection, while disposing of these petitions, we give liberty to the petitioners to make representations to the respondents. If such representations are made, they shall be decided within three months after they are presented. The Rule is partly made absolute.

BILAL NAZKI, J.

SMT. V.K. TAHILRAMANI, J.