

TO BE RETURNED TO THIS COURT
DULY EXECUTED

S.C.(Civ) No. S - /90/1681/1990
Dated: 29th AUGUST, 1990.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CR1990082901

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 5453 OF 1990.

(Under Article 136 of the Constitution of India, from the Judgment and Order dated 6th March, 1990, of the High Court of Judicature at Bombay in Writ Petition No. 632 of 1989 praying to quash and set aside the decision taken by the Respondent No. 1 i.e. State of Maharashtra, General Administration Department, Mantralaya, Bombay-32 bearing No. ग्रानि- /1286/प्रकरण -86(1)/13-अ, dated 9.2.1988 and Circular issued dated 2.5.1988 bearing No. ग्रानि-1288/प्रकरण 26-88-13-अ, and advertisement dated 15.6.1988 and decision taken on various dates, rejecting petitioners applications and select list dated 23.1.1989 and further to quash and set aside the proposed termination letters terminating the services of the petitioners and to direct the respondents to cancel or withdraw the said decision dated 3.2.1988 and to further dated 2.5.1988 and select list dated 23.3.1989 and to restrain them from terminating the services of the petitioners and also to direct to absorb the petitioners and regularise them as Primary Teachers in their employment; and to declare that the 1st Respondent has no authority in law to constitute selection Board such as sixth Respondent and invest powers to make selection of the Primary Teachers and the said action is unconstitutional, illegal, bad-in-law and contrary to the provisions of Articles 14 and 16 of the Constitutions of India and hence further orders in pursuance thereto are also unconstitutional bad-in-law or void ab-initio; and for injunction etc..)

WITH

SUPREME COURT INTERLOCUTORY APPLICATION NO. 1 OF 1990
(Application for Interim relief).

Shri Shabbir Bapu Jamadar & 49 Others Petitioners
Versus
State of Maharashtra & 47 Others Respondents

For (Full Cause title please see)
High Court previous Writ Dated 11.5.1990.

To :
The Secretary to the Government of Maharashtra
General Administration Department, Mantralaya,
BOMBAY: 400 032.

.... WHEREAS THE PETITION FOR SPECIAL LEAVE TO APPEAL AND THE APPLICATION FOR STAY above mentioned were called on for hearing before the Supreme Court on the 7th day of August, 1990 .AND

UPON hearing Counsel for the appearing parties therein the Supreme Court has passed the following Order :-

" Out of the 50 petitioners, petitioners Nos. 1,2,3, 4,5,6,7,10,12,14,15,18,22,23,24, 29,31,37,38,39 and 48, are no longer aggrieved and, therefore, they do not press the S.L.P.

The remaining petitioners are stated to be aggrieved because they are not absorbed in the posts for which they had originally been selected by a Selection Committee which, according to the respondents, was not a competent body.

It is, however, stated by counsel for the State, the first respondent, that a fresh opportunity will be given to the above mentioned aggrieved petitioners to appear before a competent Selection Board for being considered on the merits and for that purpose they will be treated as falling within the eligible age - group.

The submission at the bar is recorded.

The interim order under which these petitioners are continuing in the concerned posts shall remain in force untill the next examination is conducted by the Selection Board and the announcement of the ~~farther~~ result thereof. The petitioners shall have no further opportunity in the event of their not being selected.

The Special Leave Petition is disposed of accordingly with no order as to costs.

AND THIS COURT DOTH ORDER THAT THIS COURT'S ORDER dated 10th July, 1990 made in Interlocutory Application No.1 of 1990 above mentioned be and is hereby vacated subject to the above quoted order ;

AND THIS COURT DOTH LASTLY ORDER THAT THIS ORDER be punctually observed and carried into execution by all concerned."

In continuation of High Court Writ S.C.(Civil)No.S-90/1410/90, dated 17th July, 1990, it is accordingly hereby ordered that the above Order of the Supreme Court of India, New Delhi, be punctually observed and carried into execution by all concerned.

....3/..

WITNESS THE HONOURABLE SHRI C.MOOKERJEE, CHIEF JUSTICE
AT BOMBAY, aforesaid this 29th day of August, One thousand
nine hundred and ninety.

By the Court,

For ADDITIONAL REGISTRAR &
FOR SEALER.

This 29th day of August, 1990.

S.C.(Cvi) No.S - 90/ /1990.

In continuation of High Court Endorsement
S.C.(Civil)No.S/90/1411, 1412, 1413, 1414/1990, dated 17.7.90
copies forwarded with compliments for information to :-

1. The Chairman, Ichalkaranji, Nagarpalika School, Board,
at Shopping Centre, Ichalkaranji.
2. The Director of Education, Maharashtra State,
Central Building, Pune-411 001.
3. The Ichalkaranji Nagar Palika, Ichalkaranji,
District : Kolhapur.
4. The Additional Government Pleader, High Court,
Appellate Side, Bombay.

HIGH COURT, APPELLATE SIDE,
BOMBAY, DATED AUGUST, 1990

Sd/-
(R.H.Hatkar)
FOR ADDITIONAL REGISTRAR.