

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.692 OF 2014 IN
WRIT PETITION NO.10149 of 2013

RAJESH GANGABISHAN BAHETI

APPLICANT

VERSUS

SHRI GURU BUDDHISWAMI MAHAVIDYALAYA,
PURNA AND OTHERS

RESPONDENTS

Mr.S.S.Bora, Advocate for the applicant.

Mr.U.B.Bilolikar, Advocate for respondent Nos. 1 and 2.

Mrs.Y.M.Kshirsagar, AGP for respondent Nos. 4 and 5.

Mr.R.B.Narwade, Advocate for respondent No.4.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 22/07/2015

PER COURT :

1. The applicant is an employee, who is presently in service of the petitioners in the writ petition. Respondent No.1 has succeeded before the School Tribunal on account of his Appeal No.1/2013 having been allowed by the impugned judgment dated 06/12/2013. The applicant, therefore, submits that he be allowed to intervene in this matter since the Education Department is not disbursing his salary merely because the dispute between the petitioners and respondent No.1 is subjudice before this Court in this petition.

2. Mr.Bora further submits that pursuant to the termination of

respondent No.1, vacancy was created and as such the applicant was appointed on the vacant post earlier occupied by respondent No.1. He is working for more than 3 years.

3. Learned Advocates for the non applicants opposed the application on the ground that there is no need to hear the applicant. He has no say in the dispute between the Management and the terminated employee.

4. Learned Advocate for the Management submits that if the terminated employee succeeds in this petition, they do not have two posts to accommodate respondent No.1 as well as the applicant herein and as such the applicant will have to make way for respondent No.1.

5. Prima-facie, I find that if respondent No.1 / terminated employee is reinstated in service, the Management would be ousting the present applicant. As such, the result of this petition is likely to prejudicially affect the applicant.

6. For the above reasons, this application is allowed. The applicant Rajesh Gangabishan Baheti shall be impleaded as

respondent No.4 in this petition by the petitioner within 2 (two) weeks from today and furnish a copy of the petition paper book to the concerned respondent.

7. Since respondent No.4 is added to the writ petition, notice is being issued to him. Mr.Bora, learned Advocate waives service for respondent No.4.

(RAVINDRA V. GHUGE, J.)