

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.771 OF 2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.V.D.Gunale, advocate for the Petitioners.

Mr.K.G.Patil, Addl. Govt. Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**

Date : 11.03.2015.

PER COURT :

1. Heard.
2. Mr.Gunale, learned counsel submits that one Smt.Mundhe, was dismissed after holding Departmental Inquiry. Against the said order, said Smt.Mundhe, has filed appeal before the School Tribunal. The School Tribunal dismissed the appeal. The petitioner appointed one Smt. Bhavana Bhagat in her place. After lapse of one year, said Smt.Mundhe, filed Writ Petition. It is admitted and pending for final disposal. No relief is granted to the said dismissed employee. Learned counsel submits that even approval is granted to the appointment of Smt.Bhagat as a Shikshan Sevak, subject to the decision of the proceedings. The petitioner has also given an undertaking that in case the Writ Petition of said

Smt.Mundhe, is allowed, then the petitioner would bear the whole salary of Smt.Bhagat and would repay the said amount to the State. According to the learned counsel, there is no impediment for the Respondents to release the salary of Smt.Bhagat.

3. Mr.Patil, learned Addl. Govt. Pleader submits that Writ Petition filed by Smt.Mundhe, is still pending. The Government Resolution dated 31.01.2001 holds the field. As per the said Government Resolution, it is for the Management to bear the salary of the alternative teacher.

4. It is not disputed that one Smt.Mundhe, is dismissed. The appeal filed by Smt.Mundhe, before the School Tribunal is also dismissed. The Writ Petition filed against the said judgment is pending for final hearing. The petitioner claims to have appointed Smt.Bhagat in place of Smt.Mundhe. The approval seems to have been given to the said appointment subject to the pendency of the legal proceedings initiated by Smt.Mundhe. The petitioner has also given undertaking that in case the proceedings of Smt.Mundhe, culminates in her favour, the petitioner would bear the whole financial responsibility.

5. The final hearing of Writ Petition would take its own time. The post on which Smt.Bhagat is appointed is said to be admissible post. Considering above, we pass the following order :

a) In case the post on which said Smt.Bhagat is appointed is

admissible then the Respondents shall release the salary of said Smt.Bhagat after receiving the salary bills from the Management. In case the proceedings filed by Smt.Bhagat culminates in favour of said Smt.Mundhe, and against the petitioner then the petitioner shall be liable to bear the whole financial burden of said Smt.Mundhe.

b) The Writ Petition is accordingly disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..11.03.2015.
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