

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3753 OF 2014
IN
WRIT PETITION NO.5697 OF 2004

DNYANESHWAR NAGORAO BHOSALE

APPLICANT

VERSUS

SANJEEVANI SHIKSHAN PRASARAK MANDAL
AND OTHERS

RESPONDENTS

Mr.K.M.Nagarkar, Advocate for the applicant.
Mr.G.K.Salve, Advocate for respondent No.6.
Mrs.V.G.Shelke, AGP for respondent No.4.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 04/12/2015

PER COURT :

1. I have heard Mr.Nagarkar, learned Advocate for the applicant and Mr.Salve, learned Advocate for the respondents.
2. Mr.Nagarkar submits that on account of subsequent events, this civil application has been filed and hence the prayers in clauses 'B', 'C' and 'D'. He, however, frankly states that these subsequent events, which would have an impact on the outcome of the writ petition, have not been placed on record.
3. Learned Advocate for the respondent opposes this application

on the ground that if prayer clauses 'B' , 'C' and 'D' are allowed, writ petition would be allowed without an argument and without the subsequent events being brought on record. It would therefore amount to granting final relief at an interim stage.

4. I have heard the learned Advocates.

5. Prayer clauses 'B', 'C' and 'D' of the civil application read as under :-

“B. To give the direction to respondent No.2 Education Institution to give appointment to the appellant as a Assistant Teacher to the present appellant in place of Shri Ramakant Kerbaji Dhawale.

C. To quash and set aside the approval issued by Education Officer dated 28/02/2012 to respondent no.6 Ramakant Kerbaji Dhawale in view of the facts and circumstances mentioned in this civil application and in the interest of justice.

D. Pending hearing and final disposal of this present writ petition the respondent no.2 education institution may kindly be directed to absorb the services of the appellant as a Assistant Teacher in any of the schools run by the respondent no.2 Society in the interest of justice.”

6. It is apparent from the above reproduced prayer clauses that they would amount to granting final relief to the applicant original

petitioner without hearing the writ petition and that too on the basis of subsequent events, which have not been brought on record.

7. In the light of the above, this civil application is rejected. The applicant is however at liberty to file a civil application for bringing subsequent events on record, if so advised. In the event, such an application is filed, the same would be decided on its merits.

(RAVINDRA V. GHUGE, J.)