

kps

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6520 OF 2006

Arun Kisanrao Gaikwad,
Age : 46 years, Occ : Service,
R/o Bhoom, Tal.Bhoom,
District Osmanabad.

...PETITIONER

-VERSUS-

1 Arjun Dnyandev Mane,
Age : 52 years, Occ : Service,
R/o Bhoom, Tal.Bhoom,
District Osmanabad.

2 The President,
Lokseva Shikshan Prasarak Mandal,
Bhoom,
At.Girvali, Tq.Bhoom,
District Osmanabad.

3 The Education Officer (Secondary),
Zilla Parishad, Osmanabad,
District Osmanabad.

...RESPONDENTS

....

Shri A.N.Sabnis h/f Shri D.P.Palodkar, Advocate for the Petitioner.
Shri D.A.Mane, for Respondent No.1.
Shri S.R.Barlinge a/w Shri Kalyan Patil, Advocates for Respondent No.2.
Shri U.H.Bhogle, AGP, for Respondent No.3.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 07th September, 2015

Oral Judgment:

1 By an order dated 20.09.2006 this Court had admitted this

petition and had granted interim relief to the Petitioner in terms of prayer clause (D). Prayer clause (D) reads as under:-

“(D) Pending hearing and final disposal of this writ petition, the Hon'ble High Court may be pleased to direct the respondent Nos.2 and 3 not to take any adverse action against the petitioner and allow him to continue on the post of Head Master.”

2 The Petitioner submits that Respondent No.1, who had preferred Appeal No.134/2004 before the School Tribunal for challenging his reduction in rank, had succeeded and his appeal was allowed by the impugned judgment dated 14.08.2006.

3 It is not in dispute that the Petitioner herein was not a litigating party in the said appeal before the School Tribunal.

4 The Petitioner had preferred this petition on account of an apprehension that Respondent No.2/ Management is likely to take an adverse action against him. Pursuant to the filing of this petition and the interim relief granted by the order dated 20.09.2006, Respondent No.1 has already retired from employment. The Petitioner, therefore, submits that if Respondent No.2/ Management makes a statement that it would not initiate any adverse action against the Petitioner in the light of the impugned judgment dated 14.08.2006, this petition can be disposed of in

terms of the interim relief granted earlier.

5 Shri Mane, learned Advocate for Respondent No.1, has no objection for the disposal of this petition since the Petitioner was not a party to the appeal which Respondent No.1 had filed.

6 Shri Barlinge, learned Advocate for Respondent No.2/ Management, submits that the impugned judgment has been delivered in between Respondent No.1 and Respondent No.2/ Management. It has no concern with the present Petitioner and this petition can be disposed of since Respondent No.2/ Management has no grievance against the Petitioner. He further submits that insofar as the execution of the impugned judgment is concerned, it is between Respondent No.1 and Respondent No.2/ Management and more so in the light of the fact that Respondent No.2/ Management does not receive non salary grants.

7 In the light of the above, this Writ Petition is partly allowed in terms of the interim order granted by this Court in terms of prayer clause (D) dated 20.09.2006. Rule is, accordingly, made partly absolute.

(RAVINDRA V. GHUGE, J.)