

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

WRIT PETITION NO.7318 OF 2008

Baburao s/o Nivrutirao Bhutapalle,
Age 40 years, Occu. Service,
R/o Sakanur, opposite Barhalli,
Taluka Mukhed, District Nanded

..Petitioner

Versus

1. The Secretary,
Vivek Vardhini Shikshan Sanstha,
Yasvant Nagar, Nanded

2. The Head Master,
Vivek Vardhini Shikshan Sanstha,
Yasvant Nagar, Nanded

3. The Education Officer (Primary),
Zilla Parishad, Nanded

..Respondents

Mr V.G. Salgare, Advocate for petitioner
Mr Anand Bhandari, Advocate for respondents No.1 and 2

CORAM : N.W. SAMBRE, J.

DATE : 5th May 2015

PER COURT

1. The petitioner, the President of the respondent No.1-Society Mr Balasaheb Ambekar and respondent No.2, Jayashree Chelva, Head Mistress are personally present who are identified by their respective Counsel.

2. The petition questions the order passed by the School Tribunal, Latur in Appeal No.52 of 2007 decided on 11th July 2008.

3. The petitioner claimed to have appointed on 15th July 1994 and remained in service till 2003. From 10th January 2003 to 21st February 2007, it is claimed by the petitioner that because of his health problem he remained absent which cause is disputed by the Management.

4. Case of the petitioner was treated to be as otherwise termination and was adjudicated upon by the School Tribunal, which upon appreciation dismissed the same.

5. Having gone through the consent terms, which are admitted by the respective parties, the present petition is disposed of in terms thereof with following additions:-

(i) The respondent-Management shall forward proposal of the petitioner in regard to approval and release of his regular salary along with grant of continuity in service including for a period from 10th January 2003 to 21st February 2007.

(ii) It is clarified that the petitioner shall not be entitled for any monetary claim, but for the continuity in service for all practical purposes while calculating his future benefits.

8. Writ Petition stands disposed of in above terms.

(N.W. SAMBRE, J.)