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

WRIT PETITION NO.10618 OF 2014

Mahesh Shikshan Sanstha, Jalna
and another.

..Petitioners

-Versus-

The State of Maharashtra and others.

..Respondents

.....

Mr.D.R.Irale Patil, Advocate for the Petitioners.

Mr.K.M.Suryawanshi, AGP, for the Respondent Nos.1 and 2.

Mr.A.B.Kale, Advocate for the Respondent No.3.

.....

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 16th February, 2015

Per Court:

1 On 17.12.2014, this Court had passed the following order:-

- “1. *Heard the learned Advocate for the petitioners.*
2. *The contentions of the petitioners, in brief, are as follows:-*
 - (A) *The school was recognised on permanent no-grant basis on 25.6.2004.*
 - (B) *Respondent No.3 is said to have been orally appointed on contractual basis on 21.6.2004.*
 - (C) *An advertisement for recruitment of contractual employees is dated 22.6.2008 and the said advertisement was published in "Dainik Parshwabhoomi".*
 - (D) *The second advertisement for recruiting the contractual employees was published on 9.6.2009 in "Dainik Parshwabhoomi".*
 - (E) *Respondent No.3 is said to have been orally appointed pursuant to the first advertisement.*

(F) Respondent No.3 did not object to the second advertisement.

(G) The petitioners have not issued any appointment order to any employee.

(H) The petitioners have not signed any contract with any of the employees, despite such employees allegedly having been appointed on contractual basis.

(I) Proposal of respondent No.3 has been sent to the Education Officer.

(J) The School has now been granted recognition by respondent No.2 - Education Department.

(K) A new person has been appointed, though orally, in place of respondent No.3.

(L) Respondent No.3 has made representations, not to the petitioners, but directly to the Education Officer.

3. *I have gone through the impugned judgment and order dated 1.1.2014 delivered by the School Tribunal in Appeal No.12 of 2012. Paragraph No.10 has a summary of the record placed before the School Tribunal. It is on the basis of the said record, which was filed by the respondent upon receiving it under the Right to Information Act, that it is revealed that respondent No.3 has been working as a Peon from 21.6.2004 continuously. Muster roll, running into about 63 pages, also indicates the signatures of the appellant from July 2004 till 10.9.2009. The representations made by respondent No.3 to the Education Officer indicate that he was orally removed from employment and was prevented from signing the muster roll.*
4. *In the light of the above, issue notice before admission to the respondents returnable on 28.1.2015.*
5. *Learned AGP waives service for respondents 1 & 2 and learned Advocate Shri Kale waives service for respondent 3.*
6. *The request for ad-interim relief stands rejected.*
7. *The petitioners are directed to deposit backwages before this Court on/or before 9.1.2015."*

- “1. The order dated 17.12.2014 passed by this Court indicates that the Petitioners had to deposit the backwages of the Respondent No.3/ employee in this Court on or before 09.01.2015.
2. It appears that the said order has till not been complied with. None appears for the Petitioners.
3. Stand over to 16.02.2015.
4. In the event, the Petitioners do not deposit the said backwages and do not comply with the order dated 17.12.2014, further orders in this matter would be passed.”

3 Mr.Kale, learned Advocate appearing for the Respondent No.3, submits that the Petitioners had carried the order dated 17.12.2014 before the Honourable Supreme Court of India and the Special Leave Petition filed by the Petitioners was dismissed. The Petitioners have not complied with the impugned judgment of the School Tribunal dated 01.10.2014.

4 In the light of the above, Mr.Irale Patil, on instructions, submits that the Petitioners desire to withdraw the petition unconditionally.

5 Since the Petitioners are unconditionally withdrawing this Writ Petition, same is dismissed as withdrawn.

(RAVINDRA V. GHUGE, J.)