

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2109 OF 2015
IN
WRIT PETITION NO.9026 OF 2014

State of Maharashtra & Ors. .. Applicants

IN THE MATTER BETWEEN:

Sindhudurg Zilla Shikshan Sanstha
Chalak Mandal (Registered) and Ors. .. Petitioners

Versus

Union of India .. Respondents

Mr.A.B.Vagyani, GP with Mr.C.P.Yadav, AGP for applicants
Mr.A.V.Anturkar, Senior Advocate with Prashant Bhavke for
petitioner
Mr.Chetan Patil for petitioner in W.P.6511 of 14
Mr.R.D.Rane, AGP for respondent No.2 in W.P.st.14860 of 2014 &
W.P. 6511 of 2014 and for respondent No.3 in W.P.5480 of 2014 and
W.P.5464 of 2014
Mr.D.P.Singh for Union of India.

ALONG WITH

WRIT PETITION NOS.5464 OF 2014, WRIT PETITION NO.6511
OF 2014 and WRIT PETITION NO.6234 OF 2014.

CORAM : ANOOP V. MOHTA &
V.L.ACHLIYA, JJ.

DATE : 12th August 2015.

ORDER

- 1] Heard the learned Counsel for the parties.
- 2] By this application, the Applicant/ original respondent State Government has moved this court for seeking recalling/ modification of the order dated 31st December 2014 passed by the learned Vacation Judge (G.S.Patel, J), which reads thus:-

“1. Not on board. Mentioned. Taken on board.

2. By an order dated 30th September 2014, status quo was ordered to be maintained. It now appears that despite of order of status quo, the respondents are implementing the Government Resolution dated 13th December 2013 and the order dated 11th August 2014 both impugned in the writ petition.

3. It is clear that the status quo as of 30th August 2014 was required to be maintained. This cannot be disturbed. The respondents shall not act in furtherance either of the Government Resolution dated 13th December 2013 and the impugned order dated 11th August 2014 or the circular dated 19th December 2014, copies of which are tendered, taken on file and marked “X” for identification, till 7th January 2015.

4. Liberty to the respondents to obtain appropriate orders.

5. All concerned to act on an authenticated

copy of this order.”

3] In nutshell, it is contention of the learned GP that in the instant case, this Court has granted interim relief on 30th September 2014 whereby the order of status quo, based upon earlier orders passed by this Court in W.P. 5464 of 2015 (Coram Anoop Mohta and A.S.Gadkari, JJ – dated August 19, 2014) was directed to be maintained.

4] It is the contention of the learned GP that because of the order dated 31st December 2014, the operation of Government Resolution dated 13th December 2014 stands stayed. While passing the order on 30th September 2014, this Court had restricted the order to maintain status quo in the sense that and not to demote the Headmaster to the post of Assistant Teacher.

5] In fact, the order dated 30th September 2014 was based upon the order dated 19th August 2014, para 2 of which reads thus:-

“2. Considering the averments made and as case is made out, apart from the orders passed by the Division Bench of this Court (Nagpur Bench) in

W.P.No.3982 of 2014 dated 1/8/2014 and W.P.No.4398 of 2014 dated 14/8/2014, we are inclined to direct status quo as of today with regard to the respective demotion of the petitioners.”

6] Mr.Anturkar, learned Senior Counsel appearing for petitioners submitted that the present petition does not refer to any case of demotion of any employee from the post of Headmaster to the post of Assistant Teacher, pursuant to G.R.No.13th December 2014. It is the contention of the learned Counsel that the challenge raised in the petition is in respect of effect of G.R. on reduction of sanctioned strength of the teaching staff in the school run by petitioner. He has, therefore, submitted that the petitioner has no objection to vacate the order provided the application made by the petitioner is heard independently and on its own merits. The learned AGP has no objection for disposal of present application, with the observations as sought to be made while passing order. In view of the submissions advanced we are inclined to pass the following order:-

ORDER

(a) The order dated 31st December 2014 (Coram G.S.Patel,

J) passed in Civil Application No.2659 of 2014 filed in W.P.9026 of 2014 stands recalled and cancelled;

(b) List the petition filed by the petitioner i.e. W.P.9026 of 2014 for hearing and consideration of prayers for ad-interim reliefs on 25th August 2014.

(c) It is clarified that this order or any earlier order passed in the instant petition will not come in the way of petitioner to claim interim reliefs in the petition.

(d) Civil Application No.2109 of 2015 is disposed of accordingly with no order as to costs.

(ANOOP V. MOHTA, J.)

(V.L.ACHLIYA, J)