

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CIVIL APPLICATION (CAW) NO.706 OF 2015

IN

WRIT PETITION NO.5221 OF 2014

(Bishop Cotton Primary School .vs.. Nitin Padmakar Ghodke and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.L. Khapre, Advocate for the petitioner,
Shri S.S. Ghate, Advocate for the respondent No.1,
Shri P.A. Raulkar, Advocate for the respondent No.2,
Shri A.K. Bangadkar, AGP for the respondent No.3.

CORAM : Z.A. HAQ, J.

DATED : 06-05-2015

This is an application filed by the petitioner-Management praying that the order passed by this Court on 17-03-2015 refusing to stay the directions of the School Tribunal to reinstate the respondent No.1, be recalled.

Shri R.L. Khapre, the learned Advocate for the petitioner has submitted that the interim order was refused on 17-03-2015 on the consideration that the post of Junior Clerk for which the respondent No.1 has made the claim, is available in the school administered by the petitioner, however the post is not vacant and Shri Arpit S. Jagtap has been working as Junior Clerk in the School since July 2009. This Court passed an order on 17-04-2015 directing the respondent No.2-Education Officer to file affidavit in the matter. The In-charge Education Officer (Primary) has filed the affidavit dated

06-05-2015 stating that only one post of Junior Clerk is available in the school administered by the petitioner and Shri Arpit S. Jagtap is appointed as Junior Clerk with effect from 01-07-2009 and he is working as Junior Clerk. Accepting the submissions made on behalf of the respondent No.2-Education Officer, the order passed by this Court on 17-03-2015 refusing stay to directions given by the School Tribunal to reinstate the respondent No.1, is recalled. It is directed that until further orders, the directions given by the School Tribunal to reinstate the respondent No.1 are stayed.

Shri S.S. Ghate, the learned Advocate for the respondent No.1 has submitted that the petitioner is administering several schools and the respondent No.1 can be accommodated in any school administered by the petitioner. The respondent No.1 is granted liberty to file appropriate application in the matter, if so advised, and it will be dealt with according to law.

The civil application is allowed in the above terms.

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For the reasons stated in the application, the petitioner is permitted to amend the writ petition.

The civil application is allowed.

JUDGE