

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

CAO NO. 724/2014 AND CA NO. 1588/2014 IN
WRIT PETITION NO. 6191 OF 2013

(Smt. Rajani Telgote & Ors. vs. Deputy Director of Education, Nagpur Division, Nagpur & Ors.) (Anil s/o Charandas Tembhurne - Applicant)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.P. BHANGALE, JJ.
JANUARY 05, 2015.**

Heard Shri Shelat, learned counsel for the applicant, Shri Shende, learned counsel for the petitioners and Smt. Joshi, learned AGP for respondent Nos. 1 & 2.

The in-charge Head Master, presently functioning is seeking recall or clarification of order dated 20.03.2014.

Shri Shelat, learned counsel for the applicant submits that Writ Petition No. 6191 of 2013 was filed sometimes in the year 2013 when present applicant was not holding that post. This Court issued notice on 22.11.2013 when the present applicant was given additional charge on 23.11.2013. He submits that present applicant did not authorize Shri Dhabe, learned counsel to represent him in the

petition. He points out that on 12.12.2013 Shri Dhabe, learned counsel accepted notice on behalf of Respondent No. 3 – management and Respondent No. 5 – Head Master. According to him, in this situation, the present applicant got knowledge only when a representation dated 05.05.2014 was received by him demanding salary in terms of the orders of this Court. Immediately counsel was contacted and then present application has been filed after reopening.

Shri Shende, learned counsel submits that he has returned the papers back to the petitioners and, therefore, he does not have any instructions.

Shri Joshi, learned AGP has appeared for respondent Nos. 1 & 2 in the Civil Application.

The Court order dated 20.03.2014 directs Respondent Nos. 3, 4 & 5 before it to make payment. The In-charge Head Master was not joined as party and orders passed by this Court in Writ Petition on 12.12.2013 show that notice was accepted on behalf of the Head Master in the Court by Shri Dhabe, learned counsel, thus, in-charge Head Master did not receive notice.

In this situation, we find that the orders of this Court dated 20.03.2014 cannot be executed against the in-charge Head Master. Hence, with said clarification and with liberty to the original

petitioners to proceed against others including the Head Master who appeared before this Court through Shri Dhabe, learned counsel, to recover their amounts in terms of the Court order dated 20.03.2014, we dispose of the present applications accordingly.

JUDGE

JUDGE

**G.S.*