

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

WRIT PETITION NO. 4002 / 2014

(Ku.Subhangi Madhorao Thakare and 4 others vs. The Education Officer (Sec.)  
Z.P. Nagpur and two others )

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

Court's or Judge's order

Mr.Anand Parchure, Advocate for petitioners  
Mr. K.L.Dharmadhikari Asst.Govt. Pleader for respondent no. 1  
Mr. A.S.Dhore, Advocate for respondent nos. 2 and 3

**CORAM : SMT. VASANTI A. NAIK &**  
**A.M. BADAR, JJ.**

**DATED : 6<sup>th</sup> April, 2015.**

Heard.

By this petition, the petitioners have sought a direction to the respondents to grant approval to the appointments of the petitioners and to release the salary of the petitioners from August 2013 till date.

Shri K.L. Dharmadhikari, the learned Assistant Government Pleader states that the Education Officer is not bound to grant approval to the appointments of the petitioners as the then Headmaster of the School had illegally appointed the petitioners. It is stated that even according to the Management, the then Headmaster had appointed the petitioners by playing fraud on the Management. Mr A.S. Dhore, the learned counsel for the Management states that there was a compromise between the petitioners and the Management in the Appeal filed by the

petitioners, before the School Tribunal and as per the said compromise the petitioners had given up their claim for salary or other dues of any nature from the Management and the School as they could seek the regular salary from the Government grants. It is stated that the petitioners are not entitled to regular salary from the Management, in view of the compromise dated 12.04.2014.

The issues involved in this Writ Petition cannot be decided in exercise of the writ jurisdiction as the same could be decided after granting an opportunity to the parties to tender evidence. Whether such a contract or compromise could have been executed between the petitioners and the Management can also be looked into by a competent Civil Court. The question of playing fraud by the then Headmaster, while making the alleged illegal appointment of the petitioners, could also be considered by a Civil Court. In the facts of the case, it would not be proper for this Court to decide the issues involved in this case.

Hence, we dispose of the Writ Petition, with no order as to costs. The petitioners are free to avail the other remedies. The points raised in the petition are, however, kept open.

**JUDGE**

**JUDGE**

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