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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

APPELLATE SIDE

NAGPUR BENCH, NAGPUR

CIVIL APPLICATION NO.3430 OF 2014

IN

WRIT PETITION 2218 OF 2013 (D)

WITH

CIVIL APPLICATION NO.3387 OF 2014

IN

WRIT PETITION 2219 OF 2013

WITH

CIVIL APPLICATION NO.3388 OF 2014

IN

WRIT PETITION 2226 OF 2013

WITH

CIVIL APPLICATION NO.3389 OF 2014

IN

WRIT PETITION 2227 OF 2013

WITH

CIVIL APPLICATION NO.3390 OF 2014

IN

WRIT PETITION 2228 OF 2013

WITH

CIVIL APPLICATION NO.3391 OF 2014

IN

WRIT PETITION 2229 OF 2013

WITH

CIVIL APPLICATION NO.3431 OF 2014

IN

WRIT PETITION 2230 OF 2013

WITH

CIVIL APPLICATION NO.3392 OF 2014

IN

WRIT PETITION 2231 OF 2013

WITH

CIVIL APPLICATION NO.3393 OF 2014

IN

WRIT PETITION 2232 OF 2013

WITH

CIVIL APPLICATION NO.3394 OF 2014

IN

WRIT PETITION 2233 OF 2013

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WITH
CIVIL APPLICATION NO.3395 OF 2014
IN
WRIT PETITION 2234 OF 2013
WITH
CIVIL APPLICATION NO.3396 OF 2014
IN
WRIT PETITION 2235 OF 2013
WITH
CIVIL APPLICATION NO.3397 OF 2014
IN
WRIT PETITION 2236 OF 2013
WITH
CIVIL APPLICATION NO.3398 OF 2014
IN
WRIT PETITION 2237 OF 2013
WITH
CIVIL APPLICATION NO.3399 OF 2014
IN
WRIT PETITION 2238 OF 2013
WITH
CIVIL APPLICATION NO.3400 OF 2014
IN
WRIT PETITION 2239 OF 2013
WITH
CIVIL APPLICATION NO.3401 OF 2014
IN
WRIT PETITION 2240 OF 2013

Adarsh Dyan Prakash Shikshan Sanstha Thr. its President
Vs.
The Education Officer (Secondary), Zilla Parishad, Nagpur.

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

Court's or Judge's Order

Shri V. R. Chaudhari, Advocate with Mrs R. D.
Raskar, Advocate for applicant/petitioner.
Shri B. G. Kulakrni for applicant in C.A.No.
3387/14.
Shri N. S. Deshpande for applicant in C.A.No.
3399/14.
Smt. M. N. Hiwase, AGP for respondent Nos.1

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and 2.

CORAM: A. S. CHANDURKAR J.

DATED: JANUARY 21, 2015.

By these applications, the employees-respondent No.4 in the writ petitions seek deletion of certain observations made by this Court in judgment dated 26/09/2014. In the applications, it is stated that there is reference to interim orders dated 14/08/2014 and 29/10/2013. It is stated that in the present bunch of writ petitions which are 18 in number, no such interim orders had been passed. Therefore it is prayed that the observations and directions issued with reference to the said interim orders be deleted from paragraph Nos.6 and 7(c) of the judgment.

The original petitioner in the writ petitions has filed reply to the applications in which it is stated that reference to aforesaid interim orders does not deserve to be deleted. It is stated that the concerned employees were not entitled to salary in regular pay-scale and the order of termination itself was under challenge.

It is clear from the record of these 18 writ petitions, that no interim orders were passed on 14/08/2013 and 29/10/2013. The reference to aforesaid interim orders in paragraph Nos.6 and 7(c) has been made in view of such interim orders having been passed in Writ Petition No.1623 of 2013 and other connected matters. It is to be noted that writ petition No.1623 of 2013 and other connected writ petitions had been filed by the concerned employees.

Though the learned counsel for the original petitioner seeks to justify continuation of said interim directions, in view of

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the fact that no such interim orders were passed in these writ petitions, said statement cannot be accepted. It would be open for the petitioners to independently agitate their grievance before the School Tribunal in that regard.

In view of aforesaid, the following order is passed :

- (i) The reference to interim orders dated 14/08/2013 and 29/10/2013 in paragraph Nos.6 and 7(c) stands deleted as no such interim orders were passed in these writ petitions.
- (ii) Paragraph No.7(c) is corrected to be as under :

“ The appellant shall continue in employment on such terms as he/she was continuing during the pendency of the appeal before the School Tribunal. It is further directed that in case any adverse order is passed in the appeal, the same shall not be acted upon for a period of 15 days from the date of the judgment of the School Tribunal.”

Judgment dated 26/09/2014 stands corrected accordingly.
- (ii) At the joint request of the parties, the School Tribunal is directed to decide the appeal by the end of December 2015.
- (iii) Order accordingly. Civil Applications stand disposed of.

JUDGE