

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

WRIT PETITION NO.7149 OF 2014

[Shradheya Mahila Bahuuddeshiya Sanstha and others .vs. State of Maharashtra 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 M.P. Kariya, counsel for the petitioners,
 Shri N.S. Rao, AGP for the respondent nos.1 to 3,
 Shri B.H. Shambharkar, counsel for the respondent no.4

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATED : MAY 08, 2015.

On hearing the learned counsel for the parties and on a perusal of the documents annexed to the petition and the affidavit-in-reply filed on behalf of the respondent no.3 that the respondent no.3 did not have any business to go to the school along with the respondent no.4 and ask the management to reinstate the respondent no.4 in the said school. Though a submission is made on behalf of the respondent no.3 that he had attended the school after the respondent no.4 was permitted to be joined by the management, we do not find favour with the said submission.

On a perusal of the joining report, it clear that the respondent no.3 had visited the school along with the respondent no.4 and had forced the management to permit the respondent no.4 to join her duties. We deprecate the action on the part of the respondent no.3 in going to the school and forcibly asking the management to reinstate the respondent no.4. The action on the part of the respondent no.3 has resulted in the refusal of stay to the judgment of the school in Writ Petition No.5331/2014 filed by the petitioners.

Shri Rao, the learned Assistant Government Pleader, on instructions from the respondent no.3, makes a statement that it was

the mistake on the part of the respondent no.3 to ask the management to reinstate the respondent no.4 on the post of Head Mistress. It is stated that the said action was as a consequence of the order passed by the School Tribunal directing the Education Officer and the Management to reinstate the respondent no.4 in service. It is stated that the respondent no.3 would ensure that a similar mistake would not be committed in future.

In view of the aforesaid statement, it would be necessary to dispose of the writ petition, as the respondent no.4 has already joined on the post of the Head Mistress and the learned Single Judge of this court has refused to grant stay in the writ petition filed by the petitioners. The pendency of the writ petition would serve no purpose and hence we dispose of the writ petition by accepting the apology on behalf of the respondent no.3, with no order as to costs.

JUDGE

JUDGE

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