

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2551 OF 2016

Shivshakti Shikshan Prasarak Mandal
Through its Secretary and Another

..PETITIONERS

VERSUS

Rajendra Vishwanath Wanole and Another

..RESPONDENTS

....

Mr. Manoj D. Shinde, Advocate for petitioners.

Mr. S.M. Vibhute, Advocate for Respondent No.1.

Smt. S.S. Raut, AGP for Respondent No.2.

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 7th MARCH, 2016

ORAL ORDER :

1. The petitioner has challenged the judgment of the School Tribunal dated 18.12.2015 by which Appeal No. 4/2015 filed by Respondent No.1 has been allowed. The respondent has been granted reinstatement with continuity and full back wages from 08.01.2014 by setting aside the termination order.

2. Mr.Vibhute, learned Counsel for Respondent No.1 has placed on record an undertaking supported with an affidavit duly

signed and verified by Respondent No.1 declaring that he is willing to give-up the entire back wages from the date of termination provided Respondent No.1 is reinstated on the original post along with continuity in service. The said undertaking is taken on record and marked as 'Exhibit X' for identification.

3. Mr.Shinde, learned Counsel for the petitioner submits on instructions that the petitioner is agreeable and accepts Exhibit X. Respondent No.1 would be reinstated in employment within a period of one week from today by granting Respondent No.1 notional continuity of service.

4. Both the learned Counsels therefore jointly submits that Exhibit X and the statement of the petitioner be accepted and this petition can be disposed off.

5. In the light of the above, by recording the statement of the petitioner-management and considering Exhibit X, this petition is disposed off with the observation that Respondent No.1 shall be

reinstated by the petitioner on or before 16.03.2016 with notional continuity of service without back wages.

(RAVINDRA V. GHUGE, J.)