

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

WRIT PETITION NO. 1924 OF 2016

MANDAKINI VITHALRAO NAVALE
VERSUS
ZILLA PARISHAD THROUGH CEO AND OTHERS.

...

Advocate for Petitioners : Mr C.V Thombre
AGP for Respondent 1: Mr S G Karlekar
Advocate for Respondents 3,4 : Mr L V Sangeet

...

CORAM : R. M. BORDE & V. K. JADHAV , JJ.
Dated: October 03, 2016

...

PER COURT :-

1. The grievance raised in this petition is in respect of refusal by the Management to complete the service book of the petitioner and tender it to Respondent No.2-Education Officer (Primary), Zilla Parishad, Hingoli. According to the petitioner, her services were terminated by issuing oral orders since 25.7.2012 and she was prohibited from attending the school. As such, the petitioner approached the School Tribunal, Latur by presenting an appeal bearing No.28/2012. The appeal presented by the petitioner came to be allowed by the Presiding Officer, School Tribunal, Latur on 14.03.2013 and the order of oral termination has been set aside and the Management was directed to reinstate the petitioner forthwith and to pay

her regular salary.

2. The counsel appearing for respondents no.3 and 4 states that, the order passed by the School Tribunal, Latur has been complied with and the petitioner was reinstated in employment. The petitioner was declared surplus on 29.3.2014 and has been absorbed in another school. Respondent nos. 3 and 4 however have not tendered completed service book to respondent no.2.

3. The counsel appearing for respondents no.3 and 4 contends that, since the petitioner was absent for certain period, service book of the petitioner has not been completed and that, the request of the petitioner for sanction of the annual increment also cannot be considered for the aforesaid period. It is not a matter of dispute that, the petitioner was a permanent employee of the Respondent-Institution and that the School Tribunal, Latur, has set aside the order of oral termination issued by the Management. No inference as such can be drawn that there is any break in service of the petitioner. The petitioner shall be deemed to be continued in employment and, as such, it is obligatory for the Respondent-

Management to complete the service book of the petitioner and tender it to the Respondent No.2-Education Officer (Primary). So far as grievance of the petitioner in respect of grant of annual increment is concerned, it would be open for the petitioner to raise aforesaid issue separately in an appropriate proceedings. Respondents No.3 and 4 are hereby directed to complete the service book of the petitioner treating her to be in continuous employment until the date of her declaration as surplus employee and, shall tender the same to respondent no.2-Education Officer (Primary), as expeditiously as possible, preferably within a period of EIGHT WEEKS (08) from today. In the event of failure of respondents no.3 and 4 to abide by the directions as above or it is noticed that concerned respondents have intentionally kept any deficiency, it would be open for respondent no.2-the Education Officer (Primary), Zilla Parishad, Hingoli, District Hingoli to take an appropriate action against the concerned Institution.

4. With the directions as above, writ petition is disposed of.

(**V.K. JADHAV, J.)**
aaa/-

(**R. M. BORDE, J.)**
.....