

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO.31974 OF 2015

Mr. Ravsaheb Pandurang Hipparkar. .. Petitioner
Vs.
State of Maharashtra and Ors. .. Respondents

Mr. N. V. Bandiwadekar i/b Mr. Sagar Mane for Petitioner.
Mr. A. R. Metkari, AGP, for Respondent Nos.1 and 2.
Mr. Ajit Kinjale for Petitioner for Respondent No.3.
Mr. Anant Vadgaonkar for Respondent No.4.

CORAM : R.D. DHANUKA, J.
DATE : 8th August 2016

P.C.

. By this petition filed by the Head Master of the Dnyandeep Vidyalaya, Sangli under Article 227 of the Constitution of India, the petitioner has impugned the order dated 8th August 2012 passed by the learned Presiding Officer, School Tribunal, Solapur in Appeal No.65 of 2010 filed by the respondent no.4 on the ground that the School Tribunal has directed the petitioner also to reinstate the respondent no.4 on the post of Assistant Teacher with continuity of service and full back wages from the date of his termination till his reinstatement.

2. By a separate order passed by this Court in Writ Petition No.853 of 2015 filed by the management, this Court has already upheld the order of the School Tribunal in so far as the reinstatement is concerned. For the reasons recorded in the said writ petition, I am not inclined to interfere with the order of the School Tribunal in so far as the reinstatement of the respondent no.4 is concerned.

3. In so far as the issue of payment of back wages is concerned, since this Court has already set aside that part of the order passed by the School Tribunal and has remanded back the issue of back wages to the School Tribunal for re-determination of that issue, this part of the challenge does not survive. Writ petition is disposed of in aforesaid terms. No order as to costs.

4. In view of the order passed by this Court setting aside the order of back wages and remanding back to the School Tribunal, learned counsel appearing for the respondent no.4 states that his client would withdraw the execution application filed for enforcement of the order for back wages. Statement is accepted. Execution application for enforcement of the order for payment of back wages shall be withdrawn within two weeks from today.

R.D. DHANUKA, J.