

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

WRIT PETITION NO. 3193/2015.

Khushal Ganpat Gajbhiye and another.

-VERSUS-

The Education Officer (Secondary), Zilla Parishad, Gondia.

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

Court's or Judge's Orders

**CORAM : B.P. DHARMADHIKARI
& P.N. DESHMUKH, JJ.**

DATE : APRIL 13, 2016.

Heard Shri P.A. Gode, learned Counsel for
the petitioner no.1 Teacher and petitioner no.2
Management and Ms. P. Rane, learned A.G.P. for
respondent – Education Officer.

2. School Tribunal has decided Appeal No.
STC/73/2001 on 18.11.2009 and while setting aside
the termination order dated 27.11.2003, issued to
petitioner no.1, has expected petitioner no.2
Management to reinstate him on a vacant post. This
reinstatement has been ordered without causing any
prejudice to the other teacher, who was absorbed in

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the vacancy caused by removal of petitioner no.1.

3. In the light of the directions to reinstate, the petitioner has made certain representations. His last representation dated 02.04.2016 is shown to the Court by the learned A.G.P. and petitioner no.1 has accepted that he has made such representation.

4. Learned A.G.P. wanted to place on record an affidavit, however, as the petitioner no.1 is accepting the same, we dispense with requirement of affidavit. Copy of the said representation shall be placed on record of this petition.

5. Petitioner no.1 has in the said representation expressed his readiness and willingness to work even in middle school. According to the petitioner no.1, there are two vacancies and therefore, work can be easily provided to petitioner no.1, as directed by the School Tribunal. According to the respondent Education Officer, there is only one vacancy.

6. We do not wish to go into any disputed questions at this stage. The petitioner no.1 has made representation on 02.04.2016 and therein, apart from pointing out vacancy, he has also shown his readiness

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and willingness to work in the middle school. Keeping in mind this representation and the facts which may emerge after verification of the record, the respondent can always pass appropriate orders. In this situation, we direct the petitioner no.1 as also petitioner no.2 to appear before the respondent Education Officer on 27.04.2016, and to abide by his further instructions in the matter. The said Officer shall by 31.05.2016 take a suitable decision on the representation of petitioner no.1, after hearing the parties and after verifying the records. The time frame as stipulated to take decision, is being prescribed to see that if the petitioner is accommodated, he should be in a position to join before the school reopens in June, 2016.

7. With these directions and keeping all rival contentions open, we dispose of the present petition.

No costs.

JUDGE

JUDGE

Rgd.