

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

WRIT PETITION NO.3082/2016

Dr. Babasaheb Ambedkar Smarak Samiti, Murtizapur, Tq. Murtizapur, Dist.
Akola, through its President and another

...Versus...

Education Officer (Secondary), Zilla Parishad Akola, Tq. and Distt. Akola and
another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Apurv De, Advocate for petitioners
Shri A.M. Balpande, AGP for respondent no.1

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 12.07.2016

The only prayer made by the petitioners in the instant petition is for a direction to the respondent no.1 to consider granting permission to the petitioner no.1 to appoint a temporary teacher on the post on which Shri Haribhau Pawar was working as an Assistant Teacher.

According to the petitioners, Shri Haribhau Pawar, who was working as an Assistant Teacher in the School, run by the petitioner – Society, was terminated on 5.5.2015. Shri Haribhau Pawar has challenged the order of his termination before the School Tribunal. It is stated that the School Tribunal has not stayed the order of termination of Shri Haribhau Pawar. According to the petitioners, in the absence of Shri Haribhau

Pawar, there is a shortage of Assistant Teachers and hence, an application was made by the petitioners to the Education Officer to grant permission to the petitioners to temporarily appoint an Assistant Teacher in place of Shri Haribhau Pawar.

Shri Balpande, the learned Assistant Government Pleader appearing for the respondent no.1 – Education Officer states that the application of the petitioners may not have been considered as the School is a grant-in-aid School and it is likely that the petitioner – Society would claim the salary for the teacher, who may be temporarily appointed, from the State Government and would also claim the salary for Shri Haribhau Pawar, if he is reinstated by the Tribunal with back wages.

Since we found much force in the submission made on behalf of the learned Assistant Government Pleader, we had declined to issue the direction against the Education Officer, as sought.

The learned Counsel for the petitioners has, however, tendered a Pursis signed by the President of the petitioner – Society in the Court today. The same is accepted on record. It is stated by the learned Counsel that the Management would not claim the salary for the temporary teacher, who would be appointed and Shri Haribhau Pawar both. It is stated that if at all Shri Haribhau Pawar is reinstated, the Management would pay the salary and other amounts, that may be directed to be paid to Shri Haribhau Pawar, by the Tribunal.

By accepting the statement made on behalf of the petitioners in the Pursis and the statement made by the learned Counsel for the petitioners in the Court today, we dispose of the

writ petition with a direction to the Education Officer to consider permitting the petitioner no.1 to appoint a temporary teacher in place of Shri Haribhau Pawar and/or send a surplus teacher to the School, run by the petitioner – Society, within a period of one month.

Order accordingly. No costs.

JUDGE

JUDGE

Wadkar