

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

WRIT PETITION NO.730 OF 2016

[Pramod s/o Yadavrao Ajmire and one .vs. Deputy Director of Education, Amravati Division, Amravati and others]

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

Court's or Judge's orders

Shri H.R. Gadhia, counsel for the petitioners,
Shri A.M. Balpande, AGP for respondent nos.1 and 2,
Shri A.R. Deshpande, counsel for respondent no.3,
Shri C.A. Joshi, counsel for respondent no.4.

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

DATED : JULY 15, 2016.

By this writ petition, the petitioners challenge the order of the Education Officer (Secondary), Zilla Parishad, Washim, dated 10.9.2014, directing the grant of some monetary benefits to the respondent no.4 in pursuance of his seniority.

It is the case of the petitioners that the said order has been passed against the petitioners without hearing the petitioner no.2.

We, however, find, on hearing the learned counsel for the parties, that the respondent no.4 has retired on attaining the age of superannuation and as per the learned counsel for the respondent no.4, he is not claiming the salary of the Headmaster, to which he was not actually promoted during his service period. It is stated on behalf of the respondent no.4 that the respondent no.4 is only seeking the monetary benefits, as are granted to him, in pursuance of the impugned order. We further find that the petitioner no.2 had also retired on attaining the age of superannuation, even before the impugned order was passed. If that be so, unless the concerned respondents take any action against the petitioners for withdrawal of the benefits, that are

already granted to them, either of promotion or the monetary benefits, they should not have any grievance about the impugned order.

In the aforesaid set of facts, we dispose of the writ petition, with no order as to costs. The petitioners are, however, free to take appropriate steps, if any adverse action is taken against them by the Education Officer on the basis of the impugned order. Order accordingly.

JUDGE

JUDGE

Gulande

CERTIFICATE

“I certify that this Order uploaded is a true and correct copy of original signed Order.”

Uploaded by : A.S. Gulande, P.A.

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