

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

WRIT PETITION NO.904 OF 2016

[Shri Mohan s/o Bhaurao Ghadge .vs. Rajura Education Society, Rajura Bazar, Tahsil-Warud,
District-Amravati and one]

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

Court's or Judge's orders

Shri V.R. Thote, counsel for the petitioner,
Shri P.R. Agrawal, counsel for respondent no.1,
Shri V.P. Maladhure, AGP for respondent no.2.

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

DATED : JUNE 28, 2016.

By this writ petition, the petitioner has challenged the order of the President of Rajura Education Society, dated 31.1.2012, terminating the services of the petitioner.

The petitioner was appointed as a primary teacher in the Ashram School in the year 2006 and the services of the petitioner were terminated by the order of the President of the Rajura Education Society on 31.1.2012. The said order was challenged by the petitioner before the Additional Commissioner. The Additional Commissioner allowed the appeal filed by the petitioner on 31.5.2014 and directed his reinstatement. The order of the Additional Commissioner was challenged by the President of the society in writ petition. In the said writ petition, this court held that the Additional Commissioner did not have jurisdiction to decide the appeal and the order of the Additional Commissioner could be ignored. In view of the said observation and finding, the petitioner has filed the instant petition challenging the order of the President of the Society terminating his services.

It is not in dispute, as it is admitted by the learned Assistant Government Pleader and the learned counsel for the respondent no.1-Society, that the petitioner is reinstated in service with effect from 1.6.2015. It is stated on behalf of the respondent no.2 that the entire arrears of salary is paid to the petitioner. The learned counsel for the respondent no.1 has made a statement that no effect would be given to the impugned order, dated 31.1.2012 and the respondent no.1-society would continue the petitioner in service.

Shri Thote, the learned counsel for the petitioner disputes the statement made on behalf of the respondent no.2 that the entire arrears of salary is paid to the petitioner.

In view of the statements recorded hereinabove, we dispose of the writ petition, by accepting the statement made on behalf of the respondent no.1 that the respondent no.1 would not act upon the impugned order and would permit the petitioner to render the services in the school run by the respondent no.1-society. The said statement would be binding on the respondent no.1. So also, if the petitioner has not received the entire arrears of salary, the respondent no.2 should consider releasing the same in favour of the petitioner, as early as possible.

Order accordingly. No costs.

JUDGE

JUDGE