

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

CIVIL APPLICATION [CAW] NO.178 OF 2016
IN
WRIT PETITION NO.5343 OF 2014

(Shri Shivaji Education Society, Amravati and another
vs.
The District Vocational Education and Training Officer, Akola and others)

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

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Court's or Judge's Orders

CORAM : Z.A. HAQ, J.

DATE : 27th JUNE, 2016.

Heard Shri Abhay Sambre, learned Advocate for the petitioners-employer, Shri P.C. Madkholkar, learned Advocate for respondent No.3-employee and Shri A.D. Sonak, learned Assistant Government Pleader for respondent Nos.1 and 2.

The employer seeks modification of the order passed by this Court on 25/08/2015 rejecting the prayer of the employer for interim order. The submission on behalf of the employer is that initially the appointment of respondent No.3-employee in 1993 was as Instructor, then in 1999 the respondent No.3 was promoted as teacher, however, she was again reverted in 2001 and she had filed Writ Petition No.1985/2002 before this Court, in which an interim order came to be passed, because of which she continued as teacher. The services of respondent No.3 were terminated on 20/04/2006, the respondent No.3 filed appeal before the School Tribunal which is allowed by the impugned order. The termination order dated 20/04/2006 shows that the employer terminated respondent No.3 from the post of teacher and the

Tribunal directed reinstatement of respondent No.3 in the post held by her earlier i.e. at the time of termination. In these facts, it has to be treated that respondent No.3 is required to be reinstated as teacher as per the order passed by the School Tribunal.

The learned Advocate for the employer has submitted that prior to termination, the respondent No.3 was working as teacher in view of the interim order in Writ Petition No.1985/2002 and as the present respondent No.3 has withdrawn the Writ Petition No.1985/2002, she has no right to claim the post of teacher. It is submitted that other three similarly situated employees, who were also reverted and who were the petitioners before this Court along with respondent No.3, are protected and the petition is allowed.

At the time of hearing of this petition on admission and interim orders, the petitioners had not sought liberty to agitate the issue which is raised now, after the decision in Writ Petition No.1985/2002. The interim relief came to be refused to the petitioners after hearing all the concerned parties.

In the above facts, the prayer made in the civil application cannot be granted. The civil application is rejected.

The claim of the employer that respondent No.3 cannot make claim for the post of teacher is kept open to be considered at the time of final hearing.

JUDGE

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