

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5192 OF 1997
WITH
CIVIL APPLICATION NO. 5291 OF 1998

Abdul Hameed Khan s/o
Abdul Razzaq Khan,
Age 43 years, Occ. Service
R/o Village Bharadi,
Tq. Sillod, Dist. Aurangabad.

..Petitioner

Versus

1. The Urdu Education Society
Ajanta Through its Secretary
Abdul Kareem, Cloth Seller,
Near Jame Masjid,
Momin Mohalla, Ajanta,
Tq. Sillod, Dist. Aurangabad.

2. Shri Syed Azharoddin Quadri
Head Master, Urdu Primary School,
Fardapur, Tq. Soegaon,
District Aurangabad.

3. Abdul Suboor Abdul Razique
Asstt. Teacher, Indira Memorial
Urdu Primary School, Bharadi,
Tq. Sillod, Dist. Aurangabad.

4. Pathan Ismail Khan,
Assistant Teacher,
Urdu Girls Primary School,
Fardapur, Tq. Soegaon,
District Aurangabad.

5. Shaikh Asif,
Assistant Teacher,
Nehru Memorial Urdu High School,
Ajanta, Tq. Sillod, Dist. Aurangabad.

6. The Education Officer (Primary),
Zilla Parishad, Aurangabad.

7. The State of Maharashtra

..Respondents

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Advocate for Petitioner : Shri M.S.Choudhari
Advocate for Respondents 1 & 2 : Smt. M.A.Kulkarni
Advocate for Respondent 3 : Shri R.J.Godbole
AGP for Respondent 7 : Shri S.N.Kendre

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 03, 2017

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ORAL JUDGMENT :-

1. Heard learned Advocates for the respective parties.
2. By order dated 6.5.1998, this Court admitted this petition and in so far as the transfer is concerned, interim relief was specifically refused to the petitioner.
3. Practically more than 19 years have elapsed after the filing of the petition on 24.11.1997. I do not find it appropriate and practicable to consider the case of transfer, which is dated 3.9.1997 and no relief was granted earlier.
4. So far as prayer clauses (B) and (C) are concerned, the petitioner has sought a direction to be issued to the respondents for releasing his Increments, House Rent Allowance and granting the scale of a Trained Graduate Primary Teacher. These reliefs have been directly sought in this petition in the supervisory and/or Writ jurisdiction of this Court. Such prayers cannot be entertained by this

Court, considering that the petitioner is covered by the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

5. In the light of the above, this petition is dismissed. Rule is discharged.

6. Pending Civil Application, if any, does not survive and same is disposed off.

(RAVINDRA V. GHUGE, J.)

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