

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5992 OF 1999

SURESH TULSHIRAM CHAUDHARY
VERSUS
EDUCATION OFFICER (SOCONDARY), ZILLA PARISHAD, DHULE &
OTHERS.

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Advocate for Petitioner : Shri S.R.Barlinge.
AGP for Respondents 1 and 5 : Shri N.T.Bhagat.
Advocate for Respondent 4 : Shri Mangesh Jadhav h/f Shri S.P.Shah.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 11th May, 2017

Per Court :

1 I have heard the strenuous submissions of the learned counsel for the Petitioner, Respondent No.4 and the learned AGP on behalf of Respondent Nos.1 and 5. Despite service of court notice, none appears for Respondent Nos.2 and 3/ Institution.

2 Upon considering the submissions of the learned Advocates, it is obvious that the issue of seniority in between the Petitioner and Respondent No.4 was taken to the Education Officer. Based on the qualifications of both these litigating sides, which are practically identical, the Petitioner was held junior to Respondent No.4. This Court, while

admitting the petition, had granted interim relief in terms of prayer clause (C) to the Petitioner thereby, staying the impugned order of the Education Officer.

3 Civil Application No.2749/2000 was filed by Respondent No.4 seeking vacation of the interim relief. After hearing all the sides, this Court, by its order dated 29.01.2002, disposed of the Civil Application and refused to vacate the interim relief. The dispute between the Petitioner and Respondent No.4 was made subject to the result of this petition keeping in view the interim relief granted to the Petitioner.

4 It is informed that the Petitioner as well as Respondent No.4 have retired from employment. Both of them have retired as teachers. The Petitioner was not appointed as Headmaster and as such, the grievance as regards the seniority between these two litigating sides does not apparently survive.

5 Considering the above and since the petition is left with only an academic interest, same is disposed of as no purpose would be served by going into the said dispute. Rule is discharged.