

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

9 WRIT PETITION NO. 4693 OF 1998  
WITH CA/1948/1999 IN WP/4693/1998  
WITH

WP/4694/1998 WITH CA/1442/2005 IN WP/4694/1998  
WITH WP/4695/1998 WITH WP/4696/1998 WITH  
WP/4697/1998 WITH CA 9342/2005 WITH WP/4698/1998  
WITH WP/4699/1998 WITH WP/4700/1998 WITH  
WP/4701/1998 WITH WP/4702/1998 WITH WP/4703/1998  
WITH WP/4704/1998 WITH WP/4705/1998 WITH  
WP/4706/1998 WITH WP/2235/1999

MAULANA AZAD EDUCATION TRUST, AURANGABAD AND ANR.  
VERSUS  
BHAUSAHEB LAXMAN KALUNKE AND ORS.

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Shri SN Pagare, Adv. For Respondent/s;  
Shri NT Bhagat, AGP for Resp.No.2.

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**CORAM : P.R.BORA, J.**

**DATE : 27<sup>th</sup> April, 2017.**

**PER COURT :**

1) WP No.4697/1998 with CA 9342/2005 was  
not on Board. Taken on Board.

2) The present petitions are filed  
challenging the order dated 6<sup>th</sup> August, 1998  
passed by the learned University and College  
Tribunal, Aurangabad. Following order was passed  
by the learned Tribunal, -

" The appeals are allowed. The notices/termination orders dated 23.09.1997 terminating the services of all the Appellants are hereby set aside. The Respondents 1 and 2 are directed to continue the services of the Appellants and take action to regularize their services as stated above. The appeals are disposed of accordingly. No orders to costs."

3) This Court on 5.11.1998 has passed the following order, -

" Heard.

Rule. Expedited.

Petitioners are permitted to initiate recruitment process and selection process for the posts of Class III and IV and prepare a Select List of the selected candidates but the petitioners shall not issue appointment orders without the approval of this court. The petitioners shall not discontinue the services of the respondents – employees concerned herein during the pendency of this petition.

It will be open for the

respondent employees to apply for the posts advertised by the petitioners and get themselves selected on merits. The petitioners shall give due weightage to their experience while in service of the petitioners.

Respondents employees waive service."

4) Today when the matter was taken up for hearing, none has appeared for the petitioner. Learned Counsel Shri S.N.Pagare, who is appearing for some of the respondents, submits that as per the information available with him, all the employees, who were the appellants before the Tribunal, were continued in service. The petitioner has not placed on record any information as about subsequent developments. The respondents employees also have not approached this Court alleging non-compliance of the order passed by the College Tribunal. It has, therefore, to be presumed that the order passed by the College Tribunal has been complied with by the petitioner - institution. After the

period of about 19 years, even otherwise, there seems no propriety in going into the merits of the petitions. Moreover, the petitioners have not shown due diligence in arguing the petitions.

5) On 11<sup>th</sup> April, 2017, following order was passed by this Court, -

"1) None appears for the petitioners. The writ petitions are of the year 1998. However, in the interest of justice, the matters stand adjourned to 27<sup>th</sup> April, 2017, by way of a last chance.

2) If the matters are not worked out on the adjourned date, necessary orders will follow."

6) Today also none has appeared for the petitioner. Considering the facts, as above, it appears that all these petitions have become infructuous by passage of time. All the petitions, therefore, stand disposed of being infructuous. Rule discharged. Pending Civil Applications, if any, stand disposed of.

**(P.R.BORA,J.)**

bdv/