

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

WRIT PETITION NO. 6126/2005

Smt.Safiha Sultana D/o Abdul Rehman
Age 32 years, Occu-Service (Assistant Teacher)
R/o Kayyum Seth Hawali,
Near Madina Masjid, Mominpura
Dist.Beed.

.. PETITIONER

Versus

- 1] Priyadarshani Education Trust
Through the Secretary
Shri Subhash Sarda,
Age 44 years, Occu-Business
R/o Beed.
- 2] The President
Siraj Deshmukh S/o Safdar Ali,
Age 52 years, Occu-President of Priyadarshani
Education Trust,
Hiralal Chowk, Beed.
- 3] The Dy.Director of Education
Aurangabad.
Age 45 Years, Occu-Service
Officer Address, Railway Station Road,
Padam Pura, Aurangabad.
- 4] The Head Master,
Mohammad Fahimuddin S/o Abdul Rahim
Age 33 years, Occu-Service
Office Address, National Urdu Primary School,
Islam Pura, Beed.
- 5] The Education Officer (Primary)
Office Address, Zillah Parishad,
Beed

- 6] The Head Master
New Urdu Primary School,
Bale Peer, Tq. and Dist.Beed. .. RESPONDENTS

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Adv.Mr.S.S.Kazi, for petitioner
Adv.Mr.M.V.Salunke h/f V.D.Salunke for respondents 1,2,4,6
Adv.Mr.S.S.Dambe for R.5.
AGP Mr.D.R.Kale for R.3.

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**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 23/08/2017

PER COURT :-

Yesterday, we had heard Mr.Kazi, learned counsel for the petitioner. Today, we have heard Mr.Salunke, learned counsel for the respondents.

- 2] The grievance of the petitioner is that the respondents 1,2 and 6 be directed to retransfer the petitioner in the National Urdu Primary School, to pay salary at the rate of Rs.11,175/- p.m. and to grant continuity in service from 15/06/1991.

- 3] According to Shri Dambe, learned counsel for the Education Officer, the approval is granted to the petitioner since the year 2003-2004 and earlier upto the year 1993-94. There was no approval for

the period 1994-95 to 2002-2003. According to him, the services rendered earlier, were on unaided period upto 2004.

4] According to Mr.Salunke, the learned counsel, the petitioner was terminated from service and was not resumed. She was taken in service in the year 2003-2004.

5] According to Shri Kazi, learned counsel, the termination order was assailed by the petitioner before School Tribunal. Stay was granted by the School Tribunal, pursuant to which the petitioner was continued in service and subsequently, there was compromise. As such, the petitioner is in continuous service.

6] We have considered the submissions. It appears that the School Tribunal had granted stay to the oral termination and directed respondents to continue in service. The said stay order is granted in the year 1994. In the year 1996, the appeal was withdrawn by petitioner. On record the seniority list is filed by the petitioner, which depicts the names of the petitioner in the list of teaching staff in the year 1997-98, 1999-2000. This shows that the petitioner was working with the said school. Considering interim order passed by the School Tribunal and the name of the petitioner being shown in the list of members of the teaching staff for the academic year 1997-98 and

1998-99, we deem it appropriate to grant the petitioner continuity in service, however, without any monetary benefit.

7] In the light of above, we pass following order :

[I] The respondents shall consider petitioner to be in continuous service from the initial date of appointment in the year 1991. The period from the year 1991 onwards continuously shall be counted only for all further purposes, for Pay Scale, and Pensionary benefits, if admissible. Ofcourse, the same shall be considered in accordance with law as per the relevant provisions and the Government Resolutions.

[II] With these observations, Writ Petition stands disposed of. Rule accordingly made partly absolute.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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