

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

WRIT PETITION NO. 7422 OF 2016
WITH CA/10414/2017 IN WP/7422/2016 WITH WP/7385/2016

KONDBA NAMDEORAO SANDVE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.P.M.Nagargoje, Advocate for the petitioner in
wp-7422/2016
Mr.P.S.Patil, AGP for the respondent/State
Mr.N.P.Patil (Jamalpurkar), Advocate for respondent No.4
Mr.G.A.Gadhe, Advocate for respondent No.5

Mr.N.P.Patil, Advocate for the petitioner in wp-7382/2016
P.S.Patil, AGP for the respondent/State
Mr.P.M.Nagargoje, Advocate for respondent No.4

**CORAM : S.V. GANGAPURWALA &
S.M. GAVHANE, JJ.
DATED : 06.11.2017**

P.C. :-

. The petitioner has already attained the age of superannuation. The petitioner assails the order of dismissal dated 16.05.2016.

2. The respondent No.4 has filed additional affidavit today wherein it is stated that respondent No.4 undertakes on behalf of Management and himself to withdraw the order dated 16.05.2016 dismissing the petitioner from service. The said statement is accepted

as an undertaking to this Court.

3. It is stated that even salary for disputed period has been disbursed by the Education Officer and is in the account of the Headmaster. If salary of the petitioner for the disputed period has already disbursed by the Education Officer then the same shall be paid to the petitioner by respondent within four weeks.

4. Pension proposal as may be admissible shall be forwarded by the Management expeditiously, preferably within three months. In view of above the writ petition No.7422/2016 accordingly stands disposed of.

5. This Court had issued notice of contempt to the respondent No.4. We have read the additional affidavit filed by respondent No.4. It has been stated in the affidavit that he has realized his mistake and it was not intentional on his part. The charge No.1 was wrongly framed. He has tendered unconditional apology for the same. We accept the explanation given by respondent No.4 and as such we withdraw the notice of contempt.

6. Mr.Patil, Advocate submits that in view of the subsequent affidavit filed in writ petition No.7422/2016 by the respondent No.4 therein the writ petition No.

7385/2016 does not survive and disposed of. In view of the dismissal of the same the pending civil applications do not survive and stand disposed.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]