

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2993 OF 2016
IN
WRIT PETITION NO. 2430 OF 2002**

Mr. Udhav Mahadeo Gaikwad ... Applicant
(Orig. Resp. No. 3)

IN THE MATTER BETWEEN

Reshtriya Shikshan Sangh & Anr. ... Petitioners

vs.

State of Maharashtra & Ors. ... Respondents

....

Mr. Machindra A. Patil for the Applicant.

Mr. A.R. Metkari AGP for the Respondent Nos. 1 & 2-State.

....

Coram : **A.A.Sayed, J.**

Date : 8 February 2017

P.C. :

1 This Civil Application is taken by the Applicant/Respondent No. 3-teacher for withdrawal of the amount which was deposited by the Petitioner/Management as back-wages pursuant to the order dated 14 June 2002 in the Writ Petition, along with accrued interest.

2 On 10 December 2015, the writ Petition was dismissed for non-prosecution. The said order reads as under:

ORDER

“The petition is listed for dismissal. The learned counsel for the Petitioners states that he has not received any instructions. It appears that the Petitioners are not interested in prosecuting the petition. The petition is dismissed for non-prosecution”.

2 Learned Counsel for the Respondent-teacher states that the writ Petition is already disposed of and the order of the School Tribunal has attained finality and that the amount which was deposited by the Petitioner/Management as back-wages in this Court was for the period for which the Respondent-teacher had rendered services. He therefore urged that the amount be allowed to be withdrawn by the Respondent-teacher. Office note indicates that the Petitioner/Management has been served. None, however, appears on behalf of the Petitioner /Management.

3 Considering the facts and circumstances of the case the Applicant is allowed to withdraw the aforesaid amount deposited in this Court as back-wages along with accrued interest.

4 The Civil Application is disposed of accordingly.

(A.A.Sayed, J.)