

IN THE COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH, NAGPURWRIT PETITION NO. 3982/2016(Shri Sachin s/o Keshavrao Mehesare vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATED : 3rd March, 2017.

1. The petitioner, who had entered the service on 13.10.2000, was granted approval by Education Officer on 30.03.2002. That approval has been withdrawn all of sudden and behind his back by respondent no.2, on 29th June 2016.

2. We have heard Adv. Bhide for petitioner, Tembahre, learned AGP for respondent no.1, Adv.Dashputre for respondent no.4 and Adv. Deshande for respondent no.3-Management.

3. Adv.Deshpande fairly states that Management has not given him complete instructions.

4. After hearing respective counsel, we find that after hearing the petitioner, respondent no.4 and Shri Rajendra Narayan Gaikwad and Rita Bhanudas Khodke, the Education Officer has to find out whether anybody out of them was appointed against a vacancy caused by removal of respondent no.4.

5. It is not in dispute that respondent no.4 is reinstated by School Tribunal with full back wages and continuity. Accordingly, that order has been implemented in 2014 and he is working. It appears that by order dated 25th June,2016

having No.4547/2016 approval was also given to respondent no.4. However petitioner's approval has been cancelled by later order, having No.4648 on 29th June, 2016.

6. Adv. Deshputre has pointed out that respondent no.4 has not been paid any salary after he started working and even arrears are still not cleared.

7. We, therefore, direct the petitioner, respondent no.4 as also the Management to appear before the respondent no.2- Education Officer on 10th April, 2017 and to abide by his further instructions in the matter. The respondent no.2 shall after hearing all the concerned and after perusal of the records, attempt to find out whether anybody needs to be displaced for accommodating respondent no.4 back in the School. This exercise shall be completed in next two months.

8. Only to facilitate this exercise, we quash and set aside the impugned order having outward No. 4648/2016 dated 29th June, 2016.

9. Writ Petition is thus partly allowed and disposed of. No costs.

JUDGE

JUDGE

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