

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.W. NO.2195/2016
IN
WRIT PETITION NO.895/2013

Kelapur Education Society, Pandharkawda, through its Secretary
 ..Vs..
 State of Maharashtra, through its Secretary, Department of Education,
 Mantralaya, Mumbai and others

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

Court's or Judge's orders

 Shri C.B. Dharmadhikari, Adv. for the petitioner.
 Shri R.G. Kavimandan, Adv. h/f Shri R.L. Khapre, Adv. for the applicant /
 respondent No.5.

CORAM : Z.A.HAQ, J.
DATE : 26.7.2017.

By this application the respondent No.5 claiming to be Secretary of Society seeks modification of the order passed by this Court on 18th June, 2014. By this order, the Rule is issued and as respondent No.4 (employee) was already reinstated, prayer for stay to the directions of School Tribunal to reinstate respondent No.4 was not granted, however, considering the challenge raised on behalf of the petitioner society that the post in which the respondent No.4 was appointed was reserved for physically challenged person it was directed that the next post which would be available in the school should be filled up by a person from that category. Now respondent No.5 has come up with the grievance that the Education Officer has sent a surplus

teacher to be appointed / accommodated in the school, but that person is not physically challenged and, therefore, cannot be accommodated as per the directions given by this Court by the order passed on 18th June, 2014. It is prayed that the order be modified or the society be directed to fill up the post by issuing an advertisement and inviting applications from physically challenged persons.

There appears to be a dispute between the members of the society. The petition is filed by society through its Secretary and the respondent No.5 is also the same society, however, represented by some other person.

Apart from the above facts, I find that the order passed on 18th June, 2014 is unambiguous.

The learned Advocate for the respondent No.5 has pointed out from the reply of Education Officer that name of physically challenged person is not available on the list of surplus teachers for being accommodated in the post which is available in the school.

The respondent No.5 or anyone else may take appropriate proceedings in the matter. However, I find that the prayer made in the application cannot be considered in the present writ petition. The application is **dismissed** with liberty to the concerned as recorded above.

JUDGE