

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

WRIT PETITION NO.455 OF 2002

1] Maharshi Vithal Ramaji Shinde
Shikshan Sanstha, Latur
Through it's Secretary
Shri. Pandurang Gundiba Bhise,
Age 57 years, Occu: Secretary,
R/o. Singal Camp, Latur.

2] The Head Master,
Jadhav Vidyalaya, Ankoli,
Post Sawargaon, Tq.Latur

PETITIONERS

VERSUS

1] The State of Maharashtra

2] The E.O. [Secondary],
Z.P. Latur.

3] Vijaykumar s/o. Sadhu Shnedge
Age 31 years, Occu: Service,
R/o. Murud Akola, Tq. &
Dist. Latur.

RESPONDENTS

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Mr.S.M.Ganachari, AGP for the respondent/State

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**CORAM: S.S. SHINDE AND
S.M.GAVHANE, JJ.**

DATE : 24.02.2018

ORAL JUDGMENT: [Per : S.S.Shinde, J.]

1] When the matter is called out for
hearing, none appears for the petitioners.

2] Learned AGP appearing for the respondent-

State is not in a position to assist this Court since the papers / brief is not available with him.

3] Be that as it may, it appears that this Petition is pending since the Year 2002, and therefore, we are not inclined to defer the hearing of this Petition any further.

4] This Petition is filed praying therein to direct respondent no.2 to pay the salary of respondent no.3 since the date of reinstatement i.e. 17.03.2000 onwards.

5] Pursuant to the notices issued to the respondents, respondent nos.1 and 2 have filed affidavit in reply. It is stated in the said affidavit in reply that the appointment of respondent no.3 by the petitioners was in excess of the sanctioned posts, and therefore, individual approval to his appointment has not been given by respondent no.2. It appears that the services of respondent no.3 were terminated by the

petitioners. Being aggrieved by the said termination, respondent no.3 filed Appeal No.59/1999 [Vijaykumar s/o. Sadhu Shendge Vs. Maharshi Vithal Ramji Shinde Shikshan Sanstaha, Latur & others] before the Presiding Officer, School Tribunal, Aurangabad Division, Aurangabad. By the judgment and order dated 1st April, 2000, the said Appeal came to be allowed and the impugned order of termination dated 10th March, 1999, terminating the services of respondent no.3 since June, 1998 by the petitioner - management was quashed and set aside. Respondent nos.1 and 2 i.e. the present petitioners, were directed to reinstate the appellant i.e. respondent no.3 herein within 30 days with full back wages and further to give him the consequential benefits. It was further made clear in the operative part that in failure to reinstate respondent no.3 by the petitioners or inaction in making the payment, the State Government to deduct equal fund to the salary to the appellant i.e. respondent no.3 from the grant in aid of the respondent society and to

pay him monthly. The said judgment and order was assailed by the petitioners before the High Court by way of filing Writ Petition No.3941 of 2000 [Maharshi Vithal Ramji Shinde Shikshan Sanstha, Latur Vs. The State of Maharashtra & others]. However, the said Writ Petition was dismissed by the High Court.

6] In that view of the matter, the judgment and order passed by the School Tribunal attained finality. In view of the judgment and order of the School Tribunal, the petitioners are obliged to implement the directions issued by the School Tribunal, which are confirmed by the High Court. Therefore, the question of paying salary by respondent no.2 to respondent no.3 would not arise. In that view of the matter, no relief can be granted to the petitioners, hence the Petition stands rejected. Rule stands discharged.

[S.M.GAVHANE]
JUDGE

[S.S.SHINDE]
JUDGE