

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 860 OF 2000

JALNA VIDYA PRASARAK SAMITI JALNA
VERSUS
KISHOR NARAYAN CHHOUDHARY AND ORS

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Advocate for Petitioner : Shri A.S.Golegaonkar
Advocate for Respondent 1 : Shri S.R.Barlinge
Advocate for Respondent 2 : Shri S.V.Kuptekar h/f Shri V.D.Salunke

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CORAM : RAVINDRA V. GHUGE, J.

Dated: March 20, 2018

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PER COURT :-

1. Learned Advocates for the petitioner / management and respondent No.1 / appellant / employee submit that after the School Tribunal allowed the appeal preferred by respondent No.1 by the impugned judgment dated 29.10.1999, the respondent / employee was reinstated in service since this Court admitted this petition on 10.3.2000 and did not grant interim relief to the management. Subsequently, the said employee has worked continuously and has superannuated. He was extended all retiral benefits. Learned counsel for the employee States that nothing survives in this petition as he has received all retiral benefits.

2. Notwithstanding the above position, it is undisputed that the

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employee was terminated from employment on the ground of having higher qualification of B.Ed. instead of the requisite qualification D.Ed. This issue has been settled by the Honourable Apex Court in the matter of State of Maharashtra Vs. Tukaram Trimbak Choudhary [2007 AIR SCW 1321].

3. Considering the above, this petition is disposed off for being infructuous, so also on its merits. Rule stands discharged.

(RAVINDRA V. GHUGE, J.)

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