

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2138 OF 2000
WITH
CIVIL APPLICATION 3027 OF 2001

1. Namdeo s/o Dagdu Marathe,
Age-59 years, Occu-Retired,
Supervisor, R/o Near Blind School,
Viddullata Colony, Kargaon Road,
Chalisgaon, Dist. Jalgaon
 2. Arvind s/o Vishnu Yeole,
Age-57 years, Occu-Assistant Teacher,
R/o V.T.Lane, Chalisgaon,
Dist. Jalgaon
 3. Ramkrishna s/o Ganpat Wani,
Age-51 years, Occu-Assistant Teacher,
R/o Fule Colony, Bhadgaon Road,
Chalisgaon, Dist. Jalgaon
- PETITIONERS

VERSUS

1. Chalisgaon Education Society,
Chalisgaon, Dist. Jalgaon,
Through its Secretary,
 2. Bhaskar Ramji Koli,
Age-50 years, Occu-Service at
Anandibai Bankat Boys' High School,
Chalisgaon, Dist. jalgaon,
 3. The Chairman,
Managing Committee,
Chalisgaon Education Society,
Chalisgaon, Dist. Jalgaon,
 4. The Education Officer (Secondary),
Zilla Parishad, Jalgaon,
Dist. Jalgaon
- RESPONDENTS

Mr.P.R.Patil, Advocate for the petitioners.
Mr.L.V.Sangit, Advocate for respondent Nos. 1 and 3.
Mr.S.R.Yadav-Lonikar, AGP for respondent No.4.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 03/03/2018

ORAL JUDGMENT :

1. I have heard the learned Advocate for the petitioners, the learned Advocate for respondent No.1 and 3 and the learned AGP on behalf of respondent No.4. None appears for respondent No.2/ original appellant before the School Tribunal.

2. It is informed that petitioner No.1 retired on 31/01/1999 and has passed away on 12/06/2008. Petitioner No.2 has retired on 30/09/2000 and petitioner No.3 has retired on 30/06/2006.

3. Considering the submissions of the learned Advocates for the respective sides, I have gone through the detailed order dated 29/09/2000 delivered by this Court (Coram : Dr.D.Y.Chandrachud, J., as he then was) while admitting this petition and granting interim relief to the petitioners.

4. Learned Advocate for the Management points out that WP

No.126/2001 was decided by this Court taking an identical view as has been taken in the order dated 29/09/2000. The said judgment is now reported in [2007(2) Mh.L.J. 802] Sudam Shravan Baviskar Vs. The Forest Officer and others.

5. Learned Advocate for the petitioner submits that the view taken by this Court in the interim order dated 29/09/2000 is based on the view taken by the Hon'ble Supreme Court (5 judges bench) in the matter of Ajit Singh and others (II) Vs. State of Punjab and others, reported at [(1999) 7 SCC 209]. The Hon'ble Apex Court has once again followed the same view in B.K. Pavitra and others Vs. Union of India and others [(2007) 4 SCC 620].

6. Considering the above, this petition is allowed in terms of the interim order dated 29/09/2000 and in terms of prayer clause "C".

7. Rule is made absolute accordingly.

8.

(RAVINDRA V. GHUGE, J.)