

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.93 OF 2000

Shankar s/o Sheshrao Kulkarni,
Age-30 years, Occu-Service,
R/o Vishnupuri, Nanded,
Tq. and Dist.Nanded

-- PETITIONER

VERSUS

1. Vasant Shikshan Prasarak Mandal,
Guntur,
Tq.Kandhar, Dist.Nanded,
Through its Chairman,

2. Head Master,
Sudhakar Rao Naik Vidyalaya,
Vishnupuri Nanded, Tq.Nanded,
Dist.Nanded,

3. Education Officer (Primary).
Zilla Parishad, Nanded,

4. The State of Maharashtra

-- RESPONDENTS

Mr.S.A.Kulkarni h/f Mr.C.R.Deshpande, Advocate for the petitioner.
Mr.S.R.Yadav-Lonikar, AGP for respondent No.4.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 03/03/2018

ORAL JUDGMENT :

1. None for respondent Nos.1 and 2 / Management. None appears
for the Education Officer, Primary.

2. I have heard the submissions of the learned Advocate for the petitioner and the learned AGP for respondent No.4.

3. The record reveals that the petitioner was appointed as a "Primary School Teacher" for a period of 2 years on 16/06/1990. After he completed his probation period of 2 years, he was continued. He claims that he was not paid his regular salary. Since he kept on insisting for his regular salary, the Management was annoyed. On 16/01/1999, he realized that the Management had sent the name of one Mr.Rajaram for approval as a Teacher and his name was shown in place of the petitioner. When he questioned the Management, he was orally terminated on 18/01/1999.

4. The petitioner, therefore, approached the School Tribunal by filing Appeal No.24/1999. By order dated 19/07/1999, the Tribunal recorded that none appeared for the Management and passed an order directing the reinstatement of the petitioner with full back wages.

5. The Management appeared before the Tribunal and moved an application u/s 141 of the CPC r/w Order 41 Rule 17 (2) and Rule 21 of the CPC. By order dated 25/10/1999, the School Tribunal

rejected the application. The Management, therefore, filed Misc.Appl.No.35/1999. By order dated 26/10/1999, the School Tribunal issued notice to these petitioners and other parties and stayed the judgment dated 19/07/1999 till returnable date mentioned in the notices. This order is challenged in this petition filed on 17/11/1999 and this Court admitted the petition on 25/01/2000 and granted interim relief in terms of prayer clause "C" which therefore amounts to protecting the services of the petitioner by staying the interlocutory order dated 26/10/1999. The protection granted by this Court has continued for the past 18 years.

6. Considering the above, this petition is partly allowed. The stay granted to the order of the School Tribunal, Aurangabad dated 26/10/1999 is continued till the disposal of Misc.Appl.No.35/1999, if still pending. Needless to state, if the said proceedings are pending, the School Tribunal would issue fresh notices to all the litigating sides and decide Misc.Appl.No.35/1999, as expeditiously as possible, and in any case on or before the 31/01/2019.

7. Rule is made partly absolute accordingly.

(RAVINDRA V. GHUGE, J.)