

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3550 OF 2012

MS. SATYAWATI RAJPAL MUSKAWAD
VERSUS
SHREE SANT MARUTI MAHARAJ SHIKSHAN SANSTHA,
OSMANABAD AND OTHERS

Advocate for Petitioner : Mr. Y.R. Marlapalle.
Advocate for Respondent Nos.1 & 2: Mr. A.N. Nagargoje.
AGP for Respondent Nos. 3 & 4 : Mr. S.K. Tambe.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 09th March, 2018

PER COURT :

1. Learned advocates for the petitioner and the respondent Nos. 1 and 2/Educational Society, jointly submit, on instructions that the petitioner and the Management have sorted out their differences as under :

(a) Since, the petitioner has worked from 15/12/2008 till 28/10/2010, with the Management and has not got her monthly salary, the Management would forward the bills for the entire period for payment of salary through the salary grants, to the Education Officer within a period of three weeks from today.

(b) After receipt of the said bills, the

Educational Officer shall consider the said bills strictly in accordance with law and if the salary grants permit the payment of salary and if no other employee has been paid the salary in place of the petitioner for the said period, he would pass appropriate orders for granting the said bills.

(c) If the Education Officer, for reasons to be assigned in writing, does not accept the salary bills, he would pass a reasoned order and the petitioner would then be at liberty to assail the said order by resorting to a remedy as would be permissible in law.

(d) Respondent/Management would forthwith forward the proposal of the petitioner to the Education Officer for enlisting the petitioner as a surplus teacher.

(e) The Education Officer would consider the same and while declaring the petitioner as surplus, would also consider availability of any post on which the petitioner can be absorbed in any of the institutions of respondent Nos. 1 and 2

initially, and if no such scope is available, such absorption would be considered as against any other availability with any other institution.

(f) The Educational Officer while considering the proposal for declaring the petitioner as surplus, would consider the Rules and regulations applicable.

(g) The petitioner would be treated to be in continued employment by the respondent/ Management for the said period from 29/10/2010 to 09/03/2018.

(h) Consequentially, the oral termination order naturally stands set aside.

(i) The petitioner has waived back wages for the period from 29/10/2010 till 09/03/2018.

2. This petition, is therefore, disposed of by recording the above stated consent terms.

3. Considering the approval granted by the

Education Department to the service of the petitioner and the fact that the petitioner is deemed to be in employment from 29/10/2010 to 09/03/2018, due to the withdrawal of the oral termination by the Management, she shall be deemed to be in continuous service.

(RAVINDRA V. GHUGE, J.)

S.P.C.