

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

1 WRIT PETITION NO. 7765 OF 2018

ANJUMAN FAROG E TALEEM DHULE THROUGH ITS JOINT
SECRETARY AND DIRECTOR TAFFZUL JALIL IFTEKHAR
AHMED ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...
Mr. Afzal Husain M. Vakil, Advocate for the
Petitioner.
Mrs. A. V. Gondhalekar, AGP for Respondents-State.
...

**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 18th JULY, 2018.

PER COURT:-

1. The petitioner challenges the order of approval dated 02.06.2015 in favour of respondent no.7.

2. According to Mr. Vakil, learned counsel for the petitioner, the respondent no.7 was terminated and he was required to pay Rs.13,600/- honorarium, which he has received. Respondent no.7 filed an appeal before School Tribunal. The President and Head Master of the institution compromised the matter with respondent no.7. Respondent no.7 could not have been reinstated, as

he has not paid Rs.13,600/-, however, the Education Officer has granted approval to his appointment as a Peon.

3. The learned counsel submits that enquiry is to be directed for recovery of the amount from respondent no.7.

4. The learned A.G.P. appears for respondent nos.1 to 4.

5. It is ironical that the institution, which forwards the proposal seeking approval to the appointment of petitioner because of change of the President seeks to assail the same approval after lapse of three years. The compromise was entered into between the Society, Institution and respondent no.7 before the School Tribunal in an appeal filed by respondent no.7 against the termination order. The compromise entered into is not challenged by the petitioner. The respondent no.7 is reinstated pursuant to the compromise and the proposal is submitted by the institution to which approval has been granted. The said approval order now cannot be assailed by the Institution.

6. As far as the recovery of Rs.13,600/- is concerned, that is the honorarium paid to respondent no7. In case, the petitioner has any grievance, the petitioner may approach the authorities/forum as may be permissible in law.

7. Writ Petition accordingly disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/July-18