

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

45 WRIT PETITION NO. 1475 OF 2018

SARIKA KHANDU GAIKWAD

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sandeep N. Lute, Advocate for the Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

Mr. Ramesh I. Wakade, Advocate for Respondent Nos.3 and 4.

Mr. U. B. Bondar, Advocate for Respondent Nos.3 and 2.

...

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

DATED : 01st AUGUST, 2018.

PER COURT:-

1. Mr. Lute, learned counsel for the petitioner submits that the order passed by the Education Officer impugned in the present petition is erroneous. The appeal filed by the petitioner against the oral termination is allowed by the School Tribunal and School Tribunal has directed reinstatement with 50% back wages. According to the learned counsel, the proposal as has been sent is not properly considered by the respondent.

2. According to Mr. Wakade, learned counsel for respondent nos.3 and 4, the institution had

challenged the judgment of the School Tribunal before the learned Single Judge of this Court. The learned Single Judge had granted stay to the order of the School Tribunal and thereafter, the compromise was entered into between the petitioner and respondent nos.3 and 4 in the execution proceedings.

3. While Going through the terms of the settlement it appears that, the petitioner had waived the back wages and the proposal was directed to be sent. It was also observed in the compromise that the post is not admissible in the respondent-school and the steps may be taken to absorb the petitioner in any Zilla Parishad School or Aided School.

4. Mr. Bondar, learned counsel for the Education Officer states that the appointment of the petitioner at no material point of time was approved by the Education Officer. The petitioner also does not possess the requisite qualification.

5. It appears that, the petitioner by entering into the compromise has set at nought the judgment of the School Tribunal. Mr. Lute, learned counsel submits that the petitioner would dispute the compromise. In that case, the petitioner would have a different forum available.

6. Considering the compromise and the

impugned order passed no case for interference is made out. Writ Petition is disposed of. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/August-18