

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION NO. 531 OF 2018
IN WRIT PETITION NO. 1483 OF 2016

(Anmol Devaji Goswami vs. The State of Maharashtra thr. its Secretary, Department of School Education & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.D. UPADHYE, JJ.
AUGUST 10, 2018.**

Heard Shri Anmol D. Goswami, applicant/
petitioner-in-person and Shri B.G. Kulkarni, learned counsel
for respondent No. 7, in support of the applicant.

2. Mrs. M.A. Barabde, learned AGP for respondent Nos. 1 to 4, Shri R.S. Parsodkar, learned counsel for respondent No. 5, Shri V.A. Dhabe, learned counsel for respondent No. 6, have opposed the review application.

3. The applicant/ review petitioner submits that when the earlier action taken by the Education Officer on 27.11.2013 had attained finality, in breach thereof a communication, not to include name of the petitioner in salary bill was issued.

4. The earlier petition i.e. Writ Petition No. 3816 of 2015 was withdrawn as the grievance was redressed. Because of action taken thereafter on 18.02.2016, new

cause of action has arisen. Hence, the contentions raised by the applicant/ petitioner-in-person in Writ Petition No.1483 of 2016 have not been viewed correctly.

5. The respective counsel for the respondents submit that there was already a termination on 14.05.2015 and in the wake of that termination Writ Petition No. 3816 of 2015 was filed and thereafter withdrawn on 04.09.2015. Thereafter termination has been taken cognizance of and the Education Officer on 18.02.2016 observed that the salary could not have been paid through Government fund to a terminated employee. This grievance has been rightly appreciated by the Court on 02.05.2018 while dismissing Writ Petition No. 1483 of 2016.

6. During arguments the applicant in person has made reference to certain interim orders. Interim orders do not decide any *lis* and, therefore, cannot be cited as precedent. In very matter, final judgment has been delivered on 02.05.2018 after hearing all. While delivering final judgment rival contentions have been appreciated and thereafter because of earlier Writ Petition No. 3816 of 2015 and its withdrawal and availability of an alternate remedy prescribed by the statute, wherein the termination can be challenged, the petition has been dismissed.

7. In this situation, it is apparent that no such jurisdictional error is being pointed out which would enable us to review the judgment/ order.

8. At this stage, the applicant in person points out that if he files Appeal before the School Tribunal, it will take about five years. He, therefore, seeks its expeditious consideration. He also adds that the objection on contention of delay may also be raised by the respondents.

9. The request is being opposed by the respondents.

10. As the applicant has been prosecuting the petition before this Court bonafide and the view taken by this Court in the interim order to an extent establishes his bonafides, we expect that the School Tribunal will look into the matter appropriately. Not only that, the termination is of the year 2015, hence efforts can be made by the School Tribunal to decide the appeal expeditiously, if delay is condoned.

11. Hence, without observing anything more, we reject and dispose of the Misc. Civil Application accordingly. No order as to costs.

JUDGE

*GS.

JUDGE

Gopichand
Tanwarram
Shamdasani
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