

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

**968 WRIT PETITION NO.234 OF 1999
WITH CA/497/2019 IN WP/234/1999**

**BABURAO DHONDIRAM SINGARPURE AND ANOTHER
VERSUS
THE EDUCATION OFFICER (SECONDARY) AND OTHERES**

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Advocate for Petitioners : Shri. N.P. Patil
AGP for Respondent No.1 : Shri K.B. Jadhavar
Advocate for Respondent No.2 : Shri M.L. Dharashive
Advocate for Respondent No.3 : Shri B.N. Patil
Advocate for Respondent No.4 : Shri A.N. Irpatgire

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CORAM : P.R. BORA, J.

Dated: April 12, 2019

PER COURT :-

1. When the present petition is taken up for hearing, Shri N.P. Patil Jamalpurkar learned Counsel appearing for the petitioners pointed out that, the petitioner school has amicably settled the dispute with respondent no.2 Lalji Mane and the terms of compromise are also settled. The terms of compromise are placed on record. The office bearers of the petitioner school as well as respondent no.2 i.e. employee Lalji Mane are present before the Court. They have verified the terms of compromise and their signatures on the said terms of compromise. The compromise is also signed by the learned Counsel appearing for the respective parties. The terms of compromise revealed that, respondent no.2 Lalji Mane

has now agreed to surrender his claim to the post of peon in the petitioner school and has also agreed for not to claim any benefit arising out of the judgment and order passed in his favour in Appeal No.151 of 1993 passed by School Tribunal at Aurangabad. The terms of compromise further revealed that, after the services of Lalji Mane were terminated, the petitioner school had appointed one Khandu Kisanrao Karmukle on the post of peon with effect from 31.07.1993 and said person is continuously working on the said post till today. The terms of compromise further revealed that, Lalji Mane has also endorsed his no objection for continuance of said Khandu Karmukle on the said post and for forwarding his proposal for approval to the Education Officer. The aforesaid compromise is read and recorded.

2. The learned Counsel appearing for respondent no.2 - Lalji Mane submitted that, respondent no.2 has agreed for the aforesaid compromise voluntarily and without any pressure on him. In view of the compromise, the learned Counsel has prayed for disposal of the present petition.

3. The learned AGP has opposed for recording such compromise.

4. In the present writ petition, Civil Application No. 3287 of 2019 was filed by Khandu Karmukle seeking his intervention and the same has been allowed by this Court vide order passed on 11.04.2019. In view of the compromise so arrived at, the present petition can be disposed of with the following order.

ORDER

(i) The order passed by the School Tribunal, Aurangabad on 11.11.1998 in Appeal No.151 of 1993 is not to be given any effect. Consequently, it would be open for the petitioner school to forward the proposal of Khandu Karmukle, who is working on the post of peon since 1993, for approval which may be considered by the Education Officer on its own merits and in accordance with law, as expeditiously as possible, preferably within the period of three months.

(ii) Writ petition stands disposed of.

(iii) Pending Civil Application No.497 of 2019 stands disposed of.

(P.R. BORA, J.)

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