

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO.10195 OF 2016

GOPICHAND JANARDHAN BARSALÉ
VERSUS
THE DEPUTY DIRECTOR OF EDUCATION AND OTHERS

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Advocate for Petitioners : Shri Wakade Ramesh I.
AGP for Respondents 1 & 2 : Shri Munde S.W.
Advocate for Respondents 3 to 5 : Shri Choudhari Abhijit
h/f Shri Choudhari D.J.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 24, 2019

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PER COURT :-

1. The petitioner is aggrieved by the order of respondent No.1 / Deputy Director of Education, Aurangabad Division, dated 16.6.2016, concluding that his service for 3 years prior to 2014 was not a regular appointment and his service in February 2011 and June to October, 2011 is to be treated as being on Clock Hour Basis.
2. Learned Advocate for the management and the learned AGP have defended the impugned order. The management has entered an affidavit-in-reply dated 23.1.2019 and it is contended that this petition deserves to be dismissed.
3. A copy of the judgment delivered by the School Tribunal, dated 14.2.2018, in Appeal No.2 of 2015, filed by this petitioner, is placed on record, which is marked as Exhibit "X" for identification.

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4. It appears from the judgment that the School Tribunal has set aside the termination order dated 17.6.2013 and has granted reinstatement to this petitioner, by making observations as regards his earlier service. The Deputy Director did not have the assistance of this judicial pronouncement when the impugned order was passed. Now, that the School Tribunal has delivered a judgment, it would be appropriate to remit the matter to respondent No.1 - Deputy Director of Education to reconsider the case of the petitioner, in the light of the judgment of the School Tribunal.

5. As such, this petition is partly allowed. The impugned order dated 16.6.2016 is quashed and set aside. The matter is remitted to the office of the Deputy Director of Education, Division Aurangabad, for reconsidering the claim of the petitioner in the light of the judgment of the School Tribunal dated 14.2.2018. The litigating sides would appear before respondent No. 1 on 11.2.2019 at 11.00 am for addressing the said authority on the issue, which the said authority shall decide afresh, keeping in view the judgment of the School Tribunal. The said issue shall be decided as expeditiously as possible and on/or before 30.4.2019.

(RAVINDRA V. GHUGE, J.)

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