

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

WRIT PETITION NO. 314 OF 2018

Maharashtra Bahujan Sewa Mandal, Bhiwapur, Thr. Secretary Sanjay B Bansod and anr.

-vs-

The Education Officer (Pri) Zilla Parishad, Nagpur and anr.

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

Court's or Judge's Orders.

Shri P. N. Shende, Advocate for petitioners.
Shri Nitin Jachak, Advocate for respondent
No.2/applicant.

CORAM : A.S.CHANDURKAR, J.

DATE : August 28, 2019

Civil Application No.737 of 2018

Prayer in the present application is to give directions to the Education Officer to grant approval to the continuation of respondent No.2 as Assistant Teacher from 03/07/2015 on which date he completed service of two years as Shikshan Sevak.

According to the respondent No.2 by virtue of the order of reinstatement as issued by the School Tribunal he is entitled to receive salary on the post of Assistant Teacher after completion of period of two years of service as Shikshan Sevak.

In the reply it has been stated that salary has been paid to the respondent No.2 on the post of Shikshan Sevak. In absence of any direction to grant continuity to the appointment of respondent No.2 that relief cannot be granted at this stage.

The Writ Petition challenging the order of reinstatement has been admitted by this Court. Unless there is final adjudication of the challenge raised to the order passed by School Tribunal directing reinstatement of the respondent No.2, the relief sought

in this application cannot be considered at this stage. If the respondent No.2 succeeds in the Writ Petition he would be entitled to all reliefs flowing from the order of re-instatement. Hence the application cannot be considered favourably at this stage. The Civil Application is rejected.

JUDGE