

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3554/2019

Muslim Minority Edu. And Cultural Economic Dev. Society

..VS..

Farhat Anjum Abdul Jabbar & ors.

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

Court's or Judge's orders

Shri M.M. Agnihotri, Advocate for the petitioner
Shri P.S. Patil, Advocate for the respondent no. 1
Shri K.S. Malokar, Advocate for the respondent no. 2

CORAM : Z.A.HAQ, J.
DATED : 05/07/2019

Heard.

The petitioner – management and the respondent no. 1 – employee have filed an application under Order 23 Rule 1 of the Code of Civil Procedure praying that the petition be disposed in terms of compromise. Copy of the compromise petition is served on the advocate representing the respondent no. 2 – Education Officer. The petitioner – management and the respondent no. 1 – employee agree to abide by the terms of compromise. The undertaking given by the petitioner – management and the respondent no. 1 – employee is accepted.

The writ petition is **disposed** in terms of compromise.

There is no dispute that before promotion on the post of headmistress of the school, the respondent no. 1 –

employee was working as an Assistant Teacher and her appointment on the post of Assistant Teacher was approved by the respondent no. 2 – Education Officer. Ms. Farida Anjum Anis Ahmed – President of the petitioner – management has filed an affidavit stating that one post of Assistant Teacher is still vacant in the school and the respondent no. 1 – employee can be accommodated in that post.

Considering the compromise between the parties and accepting the submission made on behalf of the petitioner – management that one post of Assistant Teacher is vacant, the respondent no. 2 – Education Officer is directed to continue the approval of the respondent no. 1 – employee as Assistant Teacher. The accommodation of the respondent no. 1 – employee shall not be treated as fresh appointment but it shall be treated that the respondent no. 1 – employee continues in employment as Assistant Teacher from the date of her initial appointment i.e. from 2004. The respondent no. 2 – Education Officer shall issue the approval order accordingly.

JUDGE

Ansari