

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4843 OF 2020

Pradnyawant Sadasiv Gaawali,
Age : 41 years, Occu. Service,
R/o Vijora, Taluka Washi,
District Osmanabad

PETITIONER

VERSUS

1. The Secretary,
Lokmanya Shikshan Sanstha,
Vijora, Taluka Washi,
District Osmanabad
2. The Headmaster,
Vidya Vikas Vidyalaya,
Vijora, Taluka Washi,
District Osmanabad
3. The Education Officer (Secondary),
Zilla Parishad, Osmanabad

RESPONDENTS

Mr. Santosh S. Jadhavar, Advocate for the petitioner
Mr. B.A. Dhengle, Advocate for respondent Nos.1 and 2
Mr. S.R. Yadav, A.G.P. for respondent No.3

CORAM : MANGESH S. PATIL, J.

DATE : 09.09.2020

PER COURT :

Heard both the sides.

2. The petitioner was appointed as Shikshan Sevak/Assistant Teacher in a secondary school under a reserve category against a clear and

permanent vacancy. He was allegedly terminated orally with effect from 10.03.2016. Impugning such termination, he preferred Appeal No.17/2016 under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short, "MEPS Act"). By the judgment and order impugned in this petition, the appeal was dismissed.

3. The learned Advocate for the petitioner submits that apart from the merits, by way of subsequent developments, the Education Officer (Secondary), Zilla Parishad, Osmanabad, by his order dated 31.10.2018, has granted permanent approval to the appointment of petitioner and he has been continued in the employment by the respondent-Management. It is in view of such subsequent developments that the petitioner simply wants to withdraw the appeal preferred by him under Section 9 of the MEPS Act and for that limited purpose, independent of the merits, he prays that the impugned order may be quashed and set aside to enable him to withdraw the appeal.

4. Mr. B.A. Dhengle, learned Advocate for respondent Nos.1 and 2, submits that it is a matter of fact that by way of subsequent developments, the appointment of the petitioner as Shikshan Sevak has received approval by the Education Officer (Secondary), Zilla Parishad, Osmanabad and the petitioner continues to officiate in that capacity. He, therefore, submits that the request being made by the petitioner is innocuous and can be accepted.

5. The learned A.G.P, representing respondent No.3, also subscribes to these submissions.
6. In view of above, the impugned judgment and order dated 06.02.2019, passed by the Presiding Officer, School Tribunal, Solapur in Appeal No.17/2016, is quashed and set aside and the appeal is restored to the original file. The petitioner is granted liberty to apply for withdrawal of the appeal and the School Tribunal may permit him to do so.
7. The R & P be sent back immediately.
8. The Writ Petition is disposed of accordingly.

[MANGESH S. PATIL]
JUDGE