

(1)

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

CIVIL APPLICATION NO.12594 OF 2021
IN WP/7761/2018 WITH WP/7761/2018

HANUMAN DHONDIBA SALVE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. S.S. Deshmukh, Advocate for applicant;
Mr. S.G. Sangle, A.G.P. for respondent nos.1 & 2;
Mr. P.D. Bachate, Advocate for respondent no.3

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, J.**

DATE : 26th November 2021

ORAL ORDER :

1. By this application, the applicant-original petitioner has put-forth prayer clauses (A) and (B) as under:-

“(A) By issuance of appropriate writ or order in the like nature forbear the respondent no.3 i.e. School management from undertaking the recruitment process in Subject Social Science pursuant to the advertisement dtd.22/10/2021 (Exh.A-2); and for that purpose issue necessary directions.

(B) During pendency and final hearing of the present writ petition forbear the respondent no.3 i.e. School management from undertaking the recruitment process in Subject Social Science pursuant to the advertisement dtd.22/10/2021 (Exh.A-2); and for that purpose issue necessary directions.”

(2)

2. We have extensively heard the learned Counsel for the respective sides. It appears that the respondent management came to terms with the applicant in the presence of the Deputy Director of Education, Aurangabad which is reflected in the communication by the said authority dated 28.4.2015 addressed to the Head Master of the school. It is specifically recorded by the Deputy Director of Education that any settlement between the petitioner and the management would be within the domain of the school/management and the terms and conditions of his engagement, payment of his salary and service conditions shall be borne by the management. The grievance is that the management has turned round and resiled from the earlier statement.

3. It is not in dispute that the petitioner is not in employment since 2009. In such circumstances, the prayers put-forth in this application cannot be entertained. The application is, therefore, rejected.

4. Needless to state, if the petitioner desires to apply pursuant to the advertisement dated 22.10.2021, his candidature may be considered by the selection committee on merits.

5. At the request of the petitioner, list this writ petition for hearing at admission stage on 16.12.2021.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

amj