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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7755 OF 2014
WITH
WRIT PETITION NO.2466 OF 2014
WITH
CIVIL APPLICATION NO.1246 OF 2014
IN
WRIT PETITION NO.2466 OF 2014

Kum. Madhuri Harihar Lad

...Petitioner

Versus

The State Of Maharashtra
And Ors.

...Respondents

Mr.Shrishail Sakhare for the Petitioners in both the Writ Petitions.

Mr.N.K. Rajpurohit, AGP for the State – Respondent No.1 in WP No.7755 of 2014 and Ms.S.N. Solunke, AGP for the State – Respondent No.1 in WP No.2466 of 2014.

Mr.Vijay Killedar for the Respondent No.2.

Mr.A.R. Rayani for the Respondent No.3 – Management in WP No.7755 of 2014 and WP No.2466 of 2014 – Management.

**CORAM : R.D. DHANUKA &
ABHAY AHUJA, JJ.**

DATE : 21ST SEPTEMBER, 2021.

P.C. :-

1. Learned counsel appearing for the respondent no.3 on instruction states that the respondent no.3 would pass a resolution by calling special meeting for the appointment of the petitioners as

Headmistress with effect from 16th January, 2013 as per the provisions of MEPS Act and Rules, 1981. The respondent no.3 has agreed and accepted the appointment of the petitioner as Headmistress with effect from, 16th January, 2013.

2. Learned counsel for the respondent no.3 further states that his client would forward a fresh proposal to the respondent no.2 for approval to the appointment of the petitioner as Headmistress with effect from, 16th January, 2013. Statements made by the learned counsel for the respondent no.3 are accepted.

3. Learned counsel for the petitioner agrees to withdraw this petition in view of the statements made by the learned counsel for the respondent no.3. He however, states that the respondent no.2 be directed to consider the proposal that would be sent by the respondent no.3 to the respondent no.2 for approval of the petitioner to the post of Headmistress with effect from 16th January, 2013.

4. At this stage learned counsel for the respondent no.3 on instruction from the President of the respondent no.3, who is present in Court, states that the Management will pay all the salary, back wages and all dues of the petitioner with effect from 16th January, 2013 till appropriate resolution appointing the petitioner is passed by the respondent no.3 and will not claim any grant-in-aid or reimbursement from the respondent no.2 for the said period.

Statement is accepted.

5. In view of the statement made by the petitioner and the respondent no.3, we direct the respondent no.2 to consider the proposal, if any, received from the respondent no.3 for appointment of the petitioner to the said post of Headmistress with effect from the date of resolution that would be passed by the respondent no.3 with prospective effect without being influenced by the impugned order which is the subject matter of this petition and on its own merits and in accordance with law within eight weeks thereafter. The respondent no.2 shall convey the said order that would be passed by the respondent no.2 to the respondent no.3. In case the said order is adverse against the petitioner or the Management, the aggrieved party would be at liberty to file appropriate proceedings.

6. The Writ Petition No.7755 of 2014 is disposed of in aforesaid terms.

7. Learned counsel for the petitioner in Writ Petition No.7755 of 2014 states that in view of disposal of the Writ Petition No.7755 of 2014, the Writ Petition No.2466 of 2014 does not survive. Statement is accepted. The Writ Petition No.2466 of 2014 is dismissed as infructuous. There shall be no order as to costs.

8. In view of disposal of the writ petitions, interim application pending, if any, does not survive and is accordingly disposed of.

9. Parties to act on the authenticated copy of this order.

(ABHAY AHUJA, J.)

(R.D. DHANUKA, J.)