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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7195 OF 2013

Zilla Vidya Vikas Mandal, Pune

...Petitioner

Versus

The Education Officer & ors.

...Respondents

Mr. M.V. Limaye, for the Petitioner.

Ms. Kavita Solunke, AGP for State.

CORAM : R.D. DHANUKA &
R.I. CHAGLA, JJ.
DATE : 7 SEPTEMBER, 2021.

ORDER :

1. Mr. Limaye, learned Counsel for the Petitioners invited our attention to the prayers on page 12 of this Writ Petition and the documents annexed to the Petition and also the order dated 21st December, 2011 passed by the Division Bench of this Court in Writ Petition No.6261 of 2011. He further submits that though by the said order liberty was granted to the Respondents to pass fresh order, if so advised after complying with the law, the Respondents have not passed fresh order. He submits that prayer clauses (iii) and (iv) do not

survive. Learned Counsel for the Petitioners invited our attention to the annexure at Exhibit 1 to the Affidavit in Reply filed by the Respondent Nos.1, 2 and 7 and would submit that though pursuant to the order dated 21st December, 2011 the summons were issued to the concerned employees to remain present, the concerned employees vide letter dated 20th December, 2013 informed the Education Officer, Zilla Parishad, Pune that they will not file any say in view of the pendency of the Writ Petition.

2. In our view, the Respondents had issued summons pursuant to the liberty granted by this Court vide an order dated 21st December, 2011 to pass fresh order, if so, advised after complying with the law. The concerned employees thus cannot refuse to remain present or to file say on the ground that this Writ Petition is pending.

3. We accordingly direct the Respondent No.1 to take in to consideration the order passed by this Court in Writ Petition No.6261 of 2011 and to pass an appropriate order in support of the approval to the Respondent Nos.3 to 6 in accordance with law after giving an opportunity of being heard

to the Respondent Nos.3 to 6. The Respondent No.1 shall take in consideration report of the Deputy Director, Education referred in order dated 12th May, 2011 while passing fresh order. It is made clear that the Respondent No.1 is directed to issue fresh notice to Respondent Nos.3 to 6 with seven days clear notice. If the Respondent Nos.3 to 6 failed to remain present despite seven days clear notice, the Respondent No.1 can proceed with the matter exparte.

4. Writ Petition is disposed of in aforesaid terms. No order as to costs.

5. In view of the disposal of the Writ Petition, Interim Application No.1713 of 2014 does not survive.

[R.I. CHAGLA J.]

[R.D. DHANUKA, J.]