

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

WRIT PETITION NO. 3153 OF 2021

(Avtar Meharbaba Shikshan Sanstha vs. Savita Dhanarajji Borkar & anr.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A. D. Bhate, Advocate for petitioner.
Ms. Smita Sarode, Advocate for respondent No.1.
Ms. T. H. Khan, AGP for respondent No.2.

CORAM : MANISH PITALE J.

DATE : 25/08/2021

When this writ petition is called out for hearing, the contesting respondent No.1 has appeared suo-motu through counsel. The learned counsel appearing for the petitioners i.e. Management of the School submits that after the impugned judgment and order passed by the Tribunal, the parties have amicably settled the dispute and that compromise petition is being placed before this Court. The compromise petition placed before this Court is signed by the petitioners, their counsel, as well as the respondent No.1. The petitioner No.1 i.e. President of the Management is present in Court and so is the respondent No.1. They have been identified by their counsel.

2. The said compromise petition is taken on record and marked as 'X'. The learned counsel for the parties inform this Court that in terms of the said compromise, the respondent No.1 has given up her claim for back-wages and the petitioner No.1 Management has withdrawn the departmental enquiry, which had resulted in termination of service of respondent No.1.

3. This is significant in the backdrop of the fact that in the impugned judgment and order, the Tribunal had directed de-novo enquiry to be conducted from the stage at which the principles of natural justice and the relevant rules were violated. It is also brought to the notice of this Court that respondent No.1 was reinstated as the Head Mistress in the petitioner No.2 school within a period of 30 days from passing of the impugned judgment and order of the Tribunal.

4. Considering the aforesaid facts, particularly the terms of compromise stated in the compromise petition placed before this Court, the present writ petition can be disposed of at this stage itself. The respondent No.2 being the Education Officer (Secondary), Zilla Parishad is not required to be served in the backdrop of the above facts.

5. Accordingly, the writ petition is disposed of in terms of the compromise dated 14/08/2021 placed before this Court. The impugned judgment and order of the Tribunal stands modified in terms of the said compromise.

JUDGE