

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

WRIT PETITION NO.2071 OF 1997

PRAKASH VIRENDRA CHANSETTI

-VERSUS-

THE PRESIDENT, MAHTMA BASWESHWAR MAHAVIDYALAYA,
KHAN DOBA GALLI, LATUR AND OTHERS

WITH

WRIT PETITION NO.498 OF 2003

THE PRESIDENT, MAHATMA BASWESHWAR EDUCATION SOCIETY,
LATUR AND ANOTHER

-VERSUS-

UDAYKUMAR VALJINATHAPPA DHANURE AND OTHERS

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None for the petitioner in WP/2071/1997 and for respondent No.3 in WP/
498/2003.

Shri U.K. Patil, Advocate for respondent Nos.1 and 2 in WP/2071/1997
and for the petitioners in WP/498/2003.

Shri S.V. Warad, Advocate for Respondent No.4 in WP/2071/1997 and for
respondent No.1 in WP/498/2003.

Shri P.G. Borade, AGP for the Respondents/ State.

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CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 07th January, 2022

PER COURT:

1. Writ Petition No.498/2003 is filed by the Management thereby, assailing the judgment dated 30.04.1997 passed by the School

Tribunal, Aurangabad in Appeal No.152/1994 filed by the respondent (Udaykumar Dhanure) alleging his termination to be illegal. While the Writ Petition was admitted on 06.04.2005, the prayer for interim relief came to be rejected.

On termination of the respondent (Udaykumar Dhanure), one Prakash Virendra Chansetti, the petitioner in Writ Petition No.2071/1997, came to be appointed on the same post and the said Writ Petition was also admitted on 20.06.1997. Since the said Writ Petition also posed challenge to the order passed by the School Tribunal, the interim relief was granted in the said writ petition to the effect that *“The appointment of respondent No.4 as full time teacher done by respondent No.2 and approved by respondent No.3, is cancelled.”* Since the only aforesaid portion of the impugned order passed by the School Tribunal was stayed, Shri Prakash Virendra Chansetti continued to work on the post till 30.06.2016 when he attained the age of superannuation. The said Shri Prakash Chansetti, who was also party to the appeal filed by Udaykumar Dhanure, was aggrieved by the observations made by the School Tribunal involving him and for that purpose, he has filed Writ Petition No.2071/1997. He, however, continued to serve the Management till his superannuation and he has been paid regular salary and as well granted ancillary benefits flowing from his retirement.

2. In the wake of the aforesaid, necessarily the Writ Petition

No.2071/1997 filed by him, being aggrieved by the observations made by the School Tribunal, has been rendered infructuous and that is the reason why neither the petitioner Prakash Chansetti is present in the Court, nor he is being represented by any counsel. As such, Writ Petition No.2071/1997 is disposed of as being infructuous. Rule is discharged accordingly.

3. As far as the Writ Petition No.498/2003 is concerned, the respondent No.1 (Udaykumar Dhanure) though submitted his joining report, in the wake of the order passed by this Court in Writ Petition No.2071/1997 while admitting the said writ petition, he was never permitted to discharge his duties. The respondent (Udaykumar Dhanure) approached this Court by filing Writ Petition No.6419/2019 and by order passed by the Division Bench on 04.12.2019, the direction was issued to ensure the implementation of the order of the School Tribunal by the authorities of the Education Department. Pursuant to this direction, now approval has been granted in favour of the respondent (Udaykumar Dhanure), but it is with effect from 28.01.2021. Though the learned counsel for the respondent (Vijaykumar Dhanure) would argue that this approval is not in consonance with the directions issued by the Division Bench, he is at liberty to take independent proceedings for the said purpose and in the petition filed by the Management, he cannot raise the said plea.

4. The learned counsel for the Management has placed on record the communication received by him intimating that the petition deserves disposal in view of the implementation of the directions issued by the Court by granting approval in favour of the respondent (Vijaykumar Dhanure) w.e.f. 28.01.2021. The said communication dated 06.01.2022 is taken on record and marked as “X” for identification.

5. In the wake of the aforesaid communication, the learned counsel for the Management/ petitioner in Writ Petition No.498/2003 seeks withdrawal of the said writ petition. Writ Petition No.498/2003 is permitted to be withdrawn and stands disposed of as such. Rule is discharged accordingly.

6. Needless to state, the withdrawal of the said writ petition will not preclude the respondent therein to agitate his grievance in respect of his reinstatement not being in accordance with the directions issued by this Court.