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

WRIT PETITION NO.13334 OF 2021

**SHRI BANESHWAR SHIKSHAN SANSTHA, THROUGH ITS
JOINT SECRETARY SOMNATH TULSHIRAM GUNJAL AND
ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr N. V. Gaware, Advocate for petitioners;
Mr K. B. Jadhavar, A.G.P. for respondent Nos.1 to 3
Mr P. R. Katneshwarkar, Advocate for respondent No.4

CORAM : SMT. BHARATI DANGRE, J.

DATE : 16th February, 2022

PER COURT:

1. This petition is filed by the Management challenging the order passed by the Hon'ble Minister on 18/10/2021, which direct the reinstatement of it's employee i.e. respondent No.4. I need not delve deep into the controversy as only two facts are required to be noted; the first being on 08/12/2021, this Court recorded that the State Government is keen to see that the order under challenge is put to execution, and therefore, status-quo is directed to be maintained. Another event is the order passed by the Assistant Commissioner, Social Welfare Department, Ahmednagar, absorbing respondent No.4 in Gadge Maharaj Prathamik Ashram

(2)

Shala, Bhanasahivare, Tq. Newasa, Dist. Ahmednagar on a vacant post. The order dated 11/02/2022 is placed on record by the learned A.G.P. along with the letter addressed to him on 14/02/2022, where it is informed that the respondent No.4 - Amol Jadhav has been absorbed in Gadge Maharaj Primary Ashram School and order to that effect are issued. Pursuant thereto, the order issued by the State Government, dated 10/02/2022 with reference to the orders passed by the Hon'ble Minister, dated 18/10/2021, is placed on record. The order passed by the Department gives a brief background of the direction issued by the Hon'ble Minister and it is noted that the Management is not abided by the said order, and therefore, a proposal was forwarded on 02/02/2021 to absorb him in some other Ashram School. Accordingly, proposal has been considered and he has been placed in Gadge Maharaj Mission School. Apart from this, the order dated 11/02/2022 to that effect is also placed on record, which stipulates certain contingency, subject to which, absorption is permitted.

2. The communication addressed to the learned A.G.P. along with letter dated 10/02/2022, issued by the State Government and the order of absorption dated 11/02/2022, issued by the Assistant

(3)

Commissioner in favour of respondent No.4 are taken on record and collectively marked 'X' for identification.

3. In the wake of the aforesaid order, Shri. Katneshwarkar, learned Counsel for respondent No.4 categorically makes a statement that he has no further grievance against the petitioner Management, particularly when the Hon'ble Minister had passed an order in his favour, directing his reinstatement and the Management was postponing its execution and now since the State Government has absorbed him in a new school, he is not interested in seeking execution of the order passed by the Hon'ble Minister. Moreover, since he is not held entitled for any pay of the period for which he has not worked, it do not cast any financial burden on the petitioner Management also.

The apprehension expressed by the learned Counsel for the petitioners is only to the effect that in future, respondent No.4 shall not claim any repatriation / transfer to his original institution of the said Ashram School, and upon which the learned Counsel Shri. Katneshwarkar state that he shall not claim such a relief, ever since he is not desirous of working with the said Management. The Government should also be conscious of this

(4)

fact and in the wake of the absorption order would continue his services in the Gadge Maharaj Prathamik Ashram School, where he has been absorbed, subject to compliance of the condition stated in the order of the absorption, dated 11/02/2022.

4. In the wake of the above, since nothing remains for determination/adjudication in the present writ petition, the same is disposed of as infructuous.

Needless to state that the statement made by the learned Counsel would bind on respondent No.4.

(SMT. BHARATI DANGRE, J.)

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