

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

48 WRIT PETITION NO.4828 OF 2003

- 1] Bahirji Smarak Vidyalaya Shikshan
Sanstha Wapti, Tq. Basamat,
Dist. Hingoli, through its president.
- 2] Mahatma Jyotiba Phule Vidyalaya,
Kalamnuri, Dist. Hingoli,
through its Head Master. **.. PETITIONERS**

VERSUS

- 1] Umesh s/o. Nagesh Fandade,
Age: 36 years, Occ : Nil
R/o. c/o. M.S.Weshmakh
At/Pt. Kalamnuri,
Dist. Hingoli.
- 2] The Education Officer [Secondary]
Zilla Parishad, Hingoli. **.. RESPONDENTS**

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Mr.V.D.Salunke, Advocate for the appellants.
Mr.K.B.Jadhavar, AGP for the respondent-State
Mr.S.V.Warad, Advocate for the respondent no.1.

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CORAM : ARUN R. PEDNEKER, J.

DATE : 21.08.2023

P.C. :

- 1] The petitioners are challenging the impugned
judgment and order dated 17.10.2003 in Appeal No.152 of
2000 passed by the School Tribunal, Aurangabad.

2] By order dated 17.10.2003, the Tribunal allowed the appeal filed by the respondent no.1 and set aside the termination order dated 11.09.2000. The respondent nos.1 to 3 in the Appeal before the Tribunal i.e. the petitioners herein and the Education Officer were directed to pay arrears of salary benefits to the appellant within the period of 45 days from the date of the order. Thereafter, the said order was challenged before this Court by way of filing Writ Petition and the said Writ Petition is still pending for consideration.

3] During pendency of the present Writ Petition, the Management permitted the respondent no.1 to join the service and due to superannuation, the respondent no.1 has retired from the service.

4] The compromise between the petitioner and the respondent – employee is taken on record and marked 'X' for identification. In view of the compromise, the respondent no.1 would not have any claim against the management – institution.

5] The learned counsel for the respondent – employee submits that the salary bill of the respondent – employee has not been considered by the Education Officer and the respondent – employee has not claimed against the management.

6] In terms of the compromise, the management would submit the salary bill of the respondent – employee and the Education Officer is directed to decide the same in accordance with law.

7] Accordingly, the Writ Petition is disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC