

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

16 WRIT PETITION NO. 6703 OF 2008
WITH
CIVIL APPLICATION NO.364 OF 2023
IN WP/6703/2008

Bhagwat Tulshiram Bhavsar

Versus

1. Sharda Madhyamik Vidyalay,
Sardar Vallabhbhai Patel Shikshan Mandal,
Supreme Colony, MIDC, Mehrun, Dist. Jalgaon.
2. The Chairman,
Sardar Vallabhbhai Patel Shikshan Mandal,
Supreme Colony, MIDC, Mehrun, Dist. Jalgaon.
3. The Secretary,
Sardar Vallabhbhai Patel Shikshan Mandal,
Supreme Colony, MIDC, Mehrun, Dist. Jalgaon.
4. The Head Master,
Sharda Madhyamik Vidyalay,
5. The Block Education Officer,
Panchyat Samiti, Jalgaon,
Tq. & Dist. Jalgaon.
6. The Education Officer (Secondary),
Zilla Parishad, Jalgaon,
Tq. & Dist. Jalgaon.

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Advocate for Petitioner : Mr.Girish Rane
Advocate for Respondent Nos. 1 to 4 : Mr.A.G. Talhar, Ms.
Seema Gaikwad
AGP for Respondent Nos. 5 & 6/State : Mr. S.B.Pulkundwar

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CORAM : KISHORE C. SANT, J.

DATE : 28.06.2023.

PER COURT :

1. This Writ Petition is filed by the petitioner who was appointed as Shikshan Sevak on 25.07.2000 in respondent No. 1 School. After working for three years, though it was necessary to continue him as teacher, it was not done by the Management. The petitioner was therefore constrained to file appeal before the Presiding Officer, School Tribunal, Nashik. However, the learned Presiding Officer the School Tribunal, Nashik, by its judgment and order dated 29.07.2008 dismissed the appeal. By challenging that order the petitioner has approached this Court. Now it is reported by the learned Advocate for the petitioner as well as the learned Advocate for respondent Nos. 1 to 4 that the matter is now amicably settled between the parties. The School is proposing to reinstate the petitioner in service as teacher and a proposal to that effect has been sent to the Education Officer (Secondary) i.e. respondent No. 6. It is further decided that the petitioner will not claim back wages. The Management will reinstate the petitioner from 01.07.2023 and the petitioner shall

not claim back wages. However, the benefit of continuity in service will be extended to him by the Management from the date of his first appointment. The Management shall forward the proposal for approval to the Education Officer. The Education Officer will take further action. It is reported that the headmaster i.e. respondent No. 4 and the petitioner are present in the Court. Those are duly identified by their Advocates. Respondent No. 4 makes a statement that he is duly authorized by the Management to make submissions before this Court.

2. In view of the compromise in the above terms the petition can be disposed off. However, it is necessary to direct the Education Officer (Respondent No. 6) to take a decision on the approval of the petitioner, within a period of one month from the receipt of the proposal. In view of the same, the judgment and order passed by the learned Presiding Officer, School Tribunal is set aside. In view of the same the petition stands disposed off.

3. In view of the order passed in the Writ Petition, nothing survives in the Civil Application No. 364 of 2023 and

the same stands disposed of.

(KISHORE C. SANT)
JUDGE

mahajansb/