

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

39 WRIT PETITION NO.1432 OF 2021

Dnyandan Vidyalaya,
Through Head Master,
Dharmaraj Pralad Kale.

Age: 49 years,

R/o: At Post Jawale (Dumala),

Taluka and District; Osmanabad.

...Petitioner

Versus

1. Ku.Kanupatra Malhari Mate,
Age; Major, Occ; Unemployed,
R/o; Barbole Plot, Near Shivshakti
Ground Barshi, Taluka Barshi,
District; Osmanabad.

2. The Education Officer (Secondary),
Zilla Parishad, Osmanabad.

...Respondents

...

Advocate for Petitioners : Mr. S.B. Bhapkar & Mr. Vinod S. Khairnar
h/f Mr.Prabhakar K. Joshi

AGP for Respondent No. 2/State : Mr. K.B.Jadhavar

...

AND

40 WRIT PETITION NO.1439 OF 2021

Dnyandan Vidyalaya,
Through Head Master,
Dharmaraj Pralad Kale.

Age: 49 years,

R/o: At Post Jawale (Dumala),

Taluka and District; Osmanabad.

...Petitioner

Versus

1. Ku.Varsha D/o Popat Patil,
Age; Major, Occ; Unemployed,

R/o; Barbole Plot, Near Shivshakti
Ground Barshi, Taluka Barshi,
District; Osmanabad.

2. The Education Officer (Secondary),
Zilla Parishad, Osmanabad. ...Respondents

...
Advocate for Petitioners : Mr. S.B. Bhapkar & Mr. Vinod S. Khairnar
h/f Mr.Prabhakar K. Joshi
AGP for Respondent No. 2/State : Mr. K.B.Jadhavar
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AND

41 WRIT PETITION NO.1440 OF 2021

Dnyandan Vidyalaya,
Through Head Master,
Dharmaraj Pralad Kale.
Age: 49 years,
R/o: At Post Jawale (Dumala),
Taluka and District; Osmanabad. ...Petitioner

Versus

1. Satish s/o Srimant Argade,
Age; Major, Occ; Unemployed,
R/o; Barbole Plot, Near Shivshakti
Ground Barshi, Taluka Barshi,
District; Osmanabad.
2. The Education Officer (Secondary),
Zilla Parishad, Osmanabad. ...Respondents

...
Advocate for Petitioners : Mr. S.B. Bhapkar & Mr. Vinod S. Khairnar
h/f Mr.Prabhakar K. Joshi
AGP for Respondent No. 2/State : Mr. K.B.Jadhavar
...

AND

42 WRIT PETITION NO.1441 OF 2021

Dnyandan Vidyalaya,
Through Head Master,
Dharmaraj Pralad Kale.

Age: 49 years,

R/o: At Post Jawale (Dumala),
Taluka and District; Osmanabad.

...Petitioner

Versus

1. Ku.Monika D/o; Vasant Shinde,
Age; 45, Occ; Unemployed,
R/o; Barbole Plot, Near Shivshakti
Ground Barshi, Taluka Barshi,
District; Osmanabad.

2. The Education Officer (Secondary),
Zilla Parishad, Osmanabad.

...Respondents

...

Advocate for Petitioners : Mr. S.B. Bhapkar & Mr. Vinod S. Khairnar
h/f Mr.Prabhakar K. Joshi
AGP for Respondent No. 2/State : Mr. K.B.Jadhavar

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CORAM : KISHORE C. SANT, J.

DATE : 21.07.2023.

PER COURT :

1. Heard the learned Advocate Mr. S.B. Bhapkar & Mr. Vinod S. Khairnar h/f Mr.Prabhakar K. Joshi the petitioner. The case of the petitioner/Management in all the Writ Petitions is that when the appeals were filed, the person namely Vankat Khaire was not the Secretary of the trust. The said Vankat

Khaire, thereafter expired in 2004. The present petitioner is a Secretary of the trust since 2004 onwards. The said person Mr.Khaire never informed the Management about the notices. He also did not appear before the School Tribunal. The School Tribunal decided the appeals Ex-parte. He further invites the attention to the letter issued by the Education Officer (Secondary), Zilla Parishad, Osmanabad and the communication stating that the names of these persons did not appear in the musterroll or any other record as the employees of the School. The learned Advocate further submits that inspite of this, the School Tribunal allowed the appeals and directed to reinstate the respective respondents by the judgment and order dated 20.09.2011 by setting aside the termination order dated 03.03.2011. It is further submitted that this order was never served upon the Management and the Management never got knowledge of the order of the School Tribunal. The respondents for the first time filed the proceedings for execution in the year 2017 in the School Tribunal and the School Tribunal transferred the said proceedings to the Court of learned Civil Judge, Senior Division. It is only thereafter the notices were issued by the learned Civil Court. For the first time, the

petitioner Management came to know about these proceedings on receipt of notice in the revision, issued by the learned Civil Judge, Senior Division. The petitioner itself, approached this Court only after getting the knowledge.

2. This Court, by order dated 25.01.2021 was pleased to issue notice. By order dated 25.01.2021, there was stay to the proceeding Misc. Application No. 12 of 2017 earlier filed in School Tribunal. The order of stay has thereafter continued from time to time. It further appears that inspite of service of notice, the respondents have not caused their appearance. Fresh notice was issued on 05.09.2023 for final disposal. Still no appearance is caused. This Court proceed to decide the petition finally.

3. Interim relief, if any, to continue till then.

4. For the reasons stated above, this Court finds that since no affidavit-in-reply is filed controverting the pleadings in the petition, this Court also finds that since even as per the Education Officer, there is no record found in respect of the

appointment or in respect of their service is found, the petition deserves to be allowed. Hence the petitions are allowed in terms of prayer Clauses (C). In view of the same the Writ Petitions stand disposed off.

(KISHORE C. SANT)
JUDGE

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