

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) NO. 2844/2010

1. Pradnya Shikshan Sanstha,
Yerandi (Navegaon-bandh)
Tah. Arjuni (Morgaon) Distt. Gondia.
Through its Secretary,

2. Dr. Babasaheb Ambedkar Vidyalaya,
Chichalabarvha, Tq. Lakhandur,
District Bhandara.
Through its Head Master.

..... PETITIONER(S)

// VERSUS //

1. Vijay Waman Bhowate,
R/o Chichalbarhva, Tq. Lakhandur
District Bhandara.

2. Education Officer (Secondary)
Zilla Parishad, Bhandara.

3. Shri D.M. Kamble,
C/o. Dr. Babasaheb Ambedkar
Vidyalaya, Chichalabarvha,
Tq. Lakhandur, District Bhandara

.... RESPONDENT(S)

Mr. H.A. Deshpande, Advocate for the petitioners
Mr. H.S. Chitalay, Advocate for respondent no. 1
Mr. H.D. Dubey, AGP for respondent no. 2
None for respondent no. 3

CORAM : A.S. KILOR, J.

DATED : 15/06/2023

ORAL JUDGMENT :

Heard the learned Counsel for the parties.

2. This writ petition is filed by the Management in the matter of setting aside the termination of the respondent no. 1, Physical Education Teacher, vide judgment and order dated 02.12.2009 passed by the School Tribunal, Nagpur.

3. This Court vide order dated 06.08.2010 granted stay to the reinstatement subject to deposit of 50% of what has been awarded by the School Tribunal i.e. 25% of total back-wages with the Registry by 30.09.2010, by the petitioners-society.

4. Admittedly, as there was no full compliance of the above condition, subsequently the stay was vacated vide order dated 29.11.2010. As such from November 2010, there was no stay to the reinstatement of the respondent no. 1.

5. Nevertheless, the respondent no. 1 was not reinstated and on a complaint made by the respondent no. 1 to the Education Officer, the Education Officer vide communication dated 18.09.2013 directed the petitioners to reinstate the respondent no. 1 within one week in place of Shri. D.M. Kamble, respondent no. 3.

6. It is pertinent to note that in the said communication of the Education Officer, dated 18.09.2013, he has recorded the absence of respondent no. 3, Shri Kamble, from the School from the year 2011.

7. In the present matter also the respondent no. 3 is not represented by anybody after the respondent no. 3 had taken the brief and papers from his Lawyer who was discharged from this matter for the above referred reasons.

8. The learned Counsel for the petitioners has informed to this Court that the respondent no. 1 was reinstated after the directions issued by the Education Officer vide communication dated 18.09.2013, in the year 2013 and since then, he is continued in service from last ten years. It is further informed that the respondent no. 1 is going to be superannuated after three months.

9. In the above referred backdrop on a specific query to the learned Counsel for the petitioners, whether the petitioners are intending to continue the petitioners till superannuation, the learned Counsel has given answer in affirmative. He fairly states that the petitioners are not intending to dis-continue the respondent no. 1.

10. Thereupon, Mr. Chitalay, learned Counsel for the respondent no. 1, submits that he has no further grievance including about back-wages

particularly in view of the settlement produced by the management on record and referred by this Court in the order 09.03.2018 in Writ Petition No. 7351/2017 filed by the respondent no. 1.

11. In the circumstances, without touching to the rights of the respondent no. 3, who is not present before this Court or who is not represented by anybody, I am of the opinion that the present matter does not survive for the reasons stated hereinabove.

12. Accordingly writ petition is disposed of with no order as to costs.

(JUDGE)