

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7881 OF 2022

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Shaikh Asif Mehmood

... Petitioner

V/s.

Nandgaon Urdu Education Society &
Ors.

... Respondents

Mr. Sachin S. Punde for the petitioner.

Ms. Aditi S. Naikare for respondent No.1.

Mr. Anand S. Kulkarni for respondent No.3.

Ms. V. S. Nimbalkar, AGP for the State/respondent
No.4.

CORAM : AMIT BORKAR, J.

DATED : APRIL 18, 2024

P.C.:

1. The challenge in this writ petition is to the order passed by the School Tribunal dismissing the petitioner's appeal arising out of termination of petitioner's services as Shikshan Sevak.

2. According to the petitioner, he was appointed on 30 June 2009 for period of three years till 30 June 2012. The Education Officer approved his appointment by order dated 23 November 2009. He was in continuous service of management from 1 July 2009 till 31 January 2012. However, the management terminated his service through communication issued by the acting Head

Master by order dated 30 January 2012.

3. The School Tribunal dismissed the appeal. Therefore, the petitioner has filed present writ petition.

4. It is not in dispute that duly elected trustees are not available to manage the institution. The Head Master of respondent No.3-school has filed an affidavit stating that during pendency of the present writ petition, the school committee in meeting held on 13 April 2024 decided to reinstate the petitioner without backwages. The affidavit dated 18 April 2024 is taken on record.

5. Learned advocate for respondent No.1 states that she has no instructions from the respondent No.1 in relation to the petitioner's status.

6. In view of the resolution passed by the school committee, the petitioner stands reinstated from the date of his termination with continuity of service, however, without backwages.

7. The writ petition is, therefore, stands disposed of in above terms. No costs.

8. The respondent No.3-school shall take necessary steps to send the petitioner's proposal to the Education Officer for approval within two weeks from the date of reinstatement. The Education Officer shall consider grant of approval within four weeks from receipt of proposal and, thereafter, within two weeks the proposal shall be sent for the purpose of granting Shalarth ID to the petitioner, which shall be considered within four weeks.

(AMIT BORKAR, J.)