



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 470 OF 2015

Asha Kumar Kulkarni

... Petitioner.

Versus

The State of Maharashtra and Ors.

... Respondents.

WITH

INTERIM APPLICATION NO. 8457 OF 2024

Asha Kumar Kulkarni

... Applicant.

In the matter between:

Asha Kumar Kulkarni

... Petitioner.

Versus

The State of Maharashtra and Ors.

... Respondents.

Mr. Dilip Bodake, for the Petitioner-Applicant.

Mr. Ravindra S. Pachundkar for the Respondent Nos.4 and 5.

Ms. S.D. Chipade, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : August 30, 2024

P. C. :

1. Learned counsel appearing for the parties submits that the Petitioner and the Respondent Nos.4 and 5 have arrived at an amicable settlement and tenders the copy of the consent terms. The consent terms are taken record. The consent terms are signed by the Petitioner and the Respondent Nos.4 and 5 and their respective Advocates and their presence were verified on the last date of hearing

and the matter was adjourned for the instructions to be taken by the learned Assistant Government Pleader.

2. Learned AGP submits that by the consent terms in fact the order of the School Tribunal is sought to be bypassed and the financial liability is sought to be imposed upon the State Authority. She would therefore submit that the Clause 5 and 7 of the consent terms to be modified.

3. The School Tribunal had dismissed the Appeal upholding the order of termination of the Petitioner. During the pendency of the proceedings, the matter has been settled between the private parties and the Respondent No.4 has withdrawn the termination order by which the Petitioner's services came to be terminated. The termination order having been withdrawn by the Management and consent terms having been entered into between the parties, the dispute no longer survives for consideration. However, I find considerable force in the contention of learned AGP that these consent terms cannot bind the Education Officer and Clause 5 and 7 will have to be modified accordingly.

4. Learned counsel for the Petitioner and the Respondent Nos.4 and 5, on instructions, consent to the following substituted Clause 5 and 7 of the consent terms, as under:

- “(5)** It is agreed by and between the parties that due to the attainment of age of superannuation by the Petitioner on 31st March, 2015 as Headmistress, the Respondent Nos.4 and 5 will submit the proposal for approval to the Education Officer (Primary), Zilla Parishad, Pune for the period 1st June, 1990 to 31st March, 2015 within a period of two months from today. Upon such proposal being submitted the Education Officer to consider the same in accordance with law and pass an appropriate order thereon within a period of two months from the date of submission of the proposal.
- (7)** It is hereby agreed by and between the parties that if in event, an approval is received from the Education Officer after the proposal is sent under Clause 5 (above) only in that event, the Respondent Nos.4 and 5 will submit the pay-bills of the Petitioner for the period of 26th January, 2003 to 31st May, 2006 and 1st January, 2009 to 1st April, 2012.”

5. The consent terms are taken on record and marked “X” for identification with the above substituted Clause 5 and 7 with the consent of the learned counsel for the parties on instructions. The statements made are accepted as undertaking given to this Court. It is made clear that the Education Officer is not bound by the consent terms and appropriate decision will have to be taken by the Education Officer in accordance with the provisions of law.

- 6.** Writ Petition stands disposed of in terms of the consent terms.
- 7.** Interim Application does not survive for further consideration.
The same is disposed of.

[Sharmila U. Deshmukh, J.]