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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 387 OF 2006**

Guru Nanak Vidyak Society

.... Petitioner.

V/s

State of Maharashtra

Secondary Education & Ors.

..... Respondents.

Mr. A.G. Kothari for the Petitioner.

Mrs. P.H. Kantharia G.P. a/w Ms. Jaymala Ostwal Addl. G.P. for
Respondent No.1.

**CORAM: A.S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE: 21st FEBRUARY, 2024

P.C.:-

1] We have heard the learned Counsel for the parties.

2] By this writ petition challenge was raised to the Circular dated 17/1/2001. By the said Circular, it was directed that every Private Secondary School would appoint 75% teachers having qualification of the primary teachers and 25% teachers who are graduates. The writ petition was admitted on 07/03/2006. Interim relief was granted in terms of such relief as granted in Writ Petition No.1429 of 2002. As a result, four graduate teachers who had been appointed on

undergraduate Classes, continued to discharge duties as such. With the passage of time the teachers shown at page 47 of the Petition at serial No.3 and 4 viz Smt. Paramjit Kaur Arora and Smt. Harneet Kaur respectively, continued to discharged their duties. Today, it is informed that these teachers discharge duties for the period from 2005 to 2008 on the post reserved for undergraduate teachers. Since 2008 they are discharging duties as graduate teachers on the requisite posts.

3] In view of aforesaid, we find that the issue raised in the writ petition is now rendered academic especially in the light of the fact that the said teachers have discharged duties pursuant to the interim order dated 7/3/2006.

4] In view of aforesaid, the writ petition is disposed of as having worked itself out. The entitlement of aforesaid teachers to any further benefits/pensionary benefits shall not be denied only on the ground that during the period from 2005 to 2008 they have discharged duties on the post meant for undergraduate teachers. Subject to their entitlement, they would be entitled to all benefits.

5] Rule is made absolute in the aforesaid terms with no order as to costs.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]