

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

WRIT PETITION NO. 1557 OF 2001

The Marathwada Shikshan Prasarak Mandal,
Osmanpura, Deogiri College, Aurangabad.
Through its Secretary and one another

...**Petitioners**

versus

The State of Maharashtra and others

...**Respondents**

AND

WRIT PETITION NO. 1558 OF 2001

The Marathwada Shikshan Prasarak Mandal,
Osmanpura, Deogiri College, Aurangabad.
Through its Secretary and one another

...**Petitioners**

versus

The State of Maharashtra and others

...**Respondents**

.....
Mr D. J. Choudhari, Advocate for petitioners
Mr H. K. Munde, Advocate for respondent No. 2
Mr R. J. Godbole, Advocate for respondent No. 3
.....

**CORAM : N. W. SAMBRE, J.
DATED : 31st JULY, 2014.**

PER COURT : -

1. Both the petitions question the judgment and order dated 11th January, 2001, passed by learned Presiding Officer, School Tribunal, Aurangabad, whereby the termination order issued against respondent No. 3 came to be quashed and set aside with directions to the present petitioners to reinstate respondent No. 3 and pay 70% of back wages from the date of their termination. The Tribunal has also granted consequential

benefits of reinstatement and back wages with effect from 2nd December, 1996.

2. Learned Advocate for the petitioners brought to my notice that after the interim order was passed by this Court, respondent No. 3 were granted employment with the Zilla Parishad, with effect from 1st September, 1997.

3. In that view of the matter, the issue *qua* reinstatement of respondent No. 3 no more survives.

4. So far as the issue as regards payment of back wages and continuity in service is concerned, this Court, while admitting the writ petitions on 24th April, 2001, had granted stay to the reinstatement of respondent No. 3 subject to the petitioners depositing in this Court the amount equivalent to 70 per cent of the back wages for the period from 2nd December, 1996 to 1st September, 1997.

5. Having regard to the fact that, the petitioner-Management was directed by this Court to deposit 70% of the back wages, in my opinion, the interest of justice will serve if respondent No. 3 - employees are permitted to withdraw the said amount.

6. So far as the issue as regards grant of continuity in service is concerned, the School Tribunal while quashing the termination order has granted reinstatement with 70% back wages with all consequential benefits.

This Court has stayed the reinstatement, however, respondent-employees are granted employment. In view of the fact that Tribunal has allowed the appeal of the respondent No. 3 – employee which judgment to the extent of reinstatement was stayed by this Court, and during the pendency of this petition, respondent No. 3 - employee got employment with Zilla Parishad, it will be in the interest of justice that respondent No. 3 – employee makes an application with prayer for continuity to the respondent - Education Officer who shall deal with the same expeditiously keeping in mind the above aspect.

7. With the aforesaid observations, the writ petitions are disposed of.

(N. W. SAMBRE, J.)