

Sequeira

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

WRIT PETITION NO. 9396 of 2012

Mr.Vijay Savalaram Dixit. .. Petitioner
Vs.
Sou. Chhaya Gangaram Katkar & ors. .. Respondents

*Along with
WRIT PETITION NO. 9211 of 2012
Along with
CIVIL APPLICATION NO.1303 OF 2013
in
WRIT PETITION NO. 9211 of 2012*

Shri.Subhash Tukaram Chavan. .. Petitioner / Applicant
Vs.
Sou. Chhaya Gangaram Katkar & ors. .. Respondents

Mr.Subhash Langote i/b Mr.VA.Madane, for the Petitioner in both petitions and Applicant in C.A No.1303 / 2013.
Mr.Machhindra Patil, for Respondent No.1 in both petitions.
Mr.A.R.Metkari-Assistant Government Pleader, for Respondent Nos.8 to 10 in both the petitions.

***CORAM: N.M.Jamdar, J.
Thursday, 10 December 2015***

PC. :

The Writ Petition No.9396 of 2012 is filed by the original Respondent No.4 in the Appeal and Writ Petition No.9211 of 2012 is filed by the original Respondent No.6 in the Appeal.

2. The learned counsel for the Petitioner submitted that the Petitioner is not interested in challenging the order passed by the

School Tribunal *per se*. He contends that however as per the second paragraph of the operative portion of the order of the School Tribunal, the Respondent-management was directed to fill up the posts on the basis of seniority cum-merit and follow reservation rules, and the Respondent-management has acted on this direction and in fact permitted the Petitioners to work as a Headmaster for certain period of time, and both have now superannuated.

3. The Respondent-management is not coming forth to controvert this assertion.

4. The Respondent No.8 Education Officer will examine the contentions raised by the Petitioner in their affidavit as regards afore-stated position and file a reply before the next date. It will be open to the Education officer to call the Petitioner and representative of the Respondent-management if he wishes to ascertain the position before filing an affidavit.

5. As regards Respondent No.1 is concerned, since learned counsel for the Petitioners has made a statement that he is restricting the grievance only to non-receipt of their post retiral benefits and such other emoluments, Respondent No.1 is not being affected.

Stand over to 22 January 2016.

(N.M.Jamdar, J.)