

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6514/2005

(From the judgement and order dated 04/02/2005 in WP No.5791/2004  
of The HIGH COURT OF BOMBAY AT AURANGABAD)

THE SHEVGAON MAHILA MANDAL

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

(For Final Disposal)

Date: 28/07/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s)

Mr. M.N. Rao,Sr.Adv.

Mr. Uday B. Dube,Adv.

Mr. Kuldip Singh,Adv.

For Respondent(s)

Mr. Shivaji M. Jadhav,Adv.

Mr. Sudhanshu Chaudhary,Adv.

Mr. Naresh Kumar,Adv.

Mr. V.N. Raghupathy, Adv.

UPON hearing counsel the Court made the following

O R D E R

By the impugned judgement, the High Court has set aside the order of Respondent No.2-Education Officer dated 30th May, 2003, whereby the Education Officer observing that the order of the High Court in Writ Petition No.3966 of 2002 dated 28th January, 2003, having gone against the employee-Respondent No.3 herein, there was no question of grant of approval. This order has been set aside by the High

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Court, rightly, and for the reason that the order dated 28th January, 2003, was, in fact, not against Respondent No.3. In fact, that order records the statement made on behalf of the Management that order of suspension against Respondent No.3 be treated as non-existent. It is now agreed between the petitioner-Management and the employee-Respondent No.3 that Education Officer may decide afresh in terms of the judgement of the High Court uninfluenced by the Management or by the observations made by the High Court in the impugned judgement. Accordingly, we direct Respondent No.2-Education Officer to decide the matter of grant of approval or otherwise, if not already considered, within four weeks from the receipt of the copy of this order, after hearing both the sides and without being influenced by either the observations made in the impugned judgement or by either of the parties.

A.R.-cum-P.S.

Assistant Registrar