

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

WRIT PETITION NO. 588 OF 2012

Manmath s/o Laxmanappa Nagapure ... Petitioner

VERSUS

The Secretary,
Sau. Shardabai Gurulingappa Menkudale
Madhyamik Vidyalaya, Sangam,
Taluka Parli (V), District Beed & others ... Respondents

.....
Mr. Sachin S. Deshmukh , Advocate for petitioner
Mr. Sanjay Kolhare , Advocate for respondent No. 2
Mr. D.R. Korde, A.G.P. for respondent No. 3 / State
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 27th JANUARY, 2015

PER COURT :

1. On 21-12-2013, I had passed the following order :-

"1. Heard learned Adv. Mr. S.S. Dehmukh for the petitioner.

2. Contention is that the petitioner was appointed as a "Peon" on 15/06/2000 by following the due procedure of Law. Copy of the first appointment order dated 15/06/2000 is at page No. 9 of the petition paper book. It appears that the petitioner was appointed by the School Committee and the signature of the Head Master appears on the order. By Clause No. 2 of the said order, the first appointment was temporary in nature.

3. *It is further contended that by way of another order dated 15/6/2001, the petitioner was appointed as a "Probationer" for the period 2001-02. The said order is at page No. 9A of the petition paper book. Approval to the appointment granted by the Education Officer is at page No. 15 dated 28/3/2003. Yet the petitioner has been terminated orally on 15-08-2004. No opportunity of hearing was given. Principles of natural justice were not adhered to. The petitioner is covered by Section 5(2) of the M.E.P.S. Act.*

4. *The petitioner states that these aspects, which are the backbone of the case of the petitioner, were not looked into and were not considered by the learned School Tribunal while deciding his appeal No. 67/2004 and the same came to be dismissed by the impugned judgment dated 18/10/2011. Therefore, he states that material aspects of the matter were not looked into by the Tribunal.*

5. *Learned Advocate for the contesting respondents Mr. Kolhare is unavailable today. As such, stand over to 15/01/2014 for further consideration."*

2. Learned Advocate for the respective sides submit that appeal No. 67 of 2004 could be remitted to the School Tribunal for deciding it afresh, in the light of the observations made by this Court in the order reproduced as above.

3. In the light of the above, this petition is disposed off with the direction that the School Tribunal, Aurangabad shall decide appeal No. 67 of 2004 as expeditiously as possible and preferably on or before the 8th day of May 2015. The issues raised in the appeal as well as those issues which have been adverted to by

this Court in the order dated 21-12-2013 shall be looked into by the learned Tribunal.

4. The litigating parties shall appear before the School Tribunal on 09-02-2015. It is assured by the litigating sides that they shall cooperate with the School Tribunal in the expeditious disposal of appeal No. 67 of 2004 and shall not seek an adjournment on unreasonable grounds. The Tribunal is at liberty to deal with such application for adjournment if the same are found to be based on unreasonable grounds, in a manner as may be deemed fit by the Tribunal.

(RAVINDRA V. GHUGE, J.)