

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD.****WRIT PETITION NO. 781 OF 2015**

BABURAO ANANDA RAHATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Joshi Milind M.
AGP for Respondent/State : Mr. S.D. Kaldate
Advocate for Respondent no.3 : Mr. D.K. Rajput
Advocate for Respondent no.4 : Mr. V.G. Salgare

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CORAM : S.S. SHINDE & P.R. BORA, JJ.

Dated: December 03, 2015

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PER COURT :-

Heard.

2. Admittedly during pendency of this Petition, the order of termination of services of the petitioner has been issued by Respondent No.4. In that view of the matter, the learned counsel appearing for the petitioner, on instructions, seeks permission to withdraw the Petition with liberty to approach the School Tribunal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, so as to take exception to the order of termination.

3. So far, the prayer clause 'E' is concerned, the

learned counsel appearing for the petitioner submits that, the petitioner is satisfied, if the Deputy Director of Education, Aurangabad is directed to consider the said prayer of the petitioner keeping in view the service rendered by the petitioner with Respondent Nos. 4 and 5 and his entitlement in accordance with law.

4. The Petition is dismissed as withdrawn with liberty as prayed for. All the contentions raised in the Petition are kept open to be agitated before the School Tribunal at Aurangabad. Needless to observe, if there is any delay in filing the appeal, the School Tribunal shall keep in view the pendency of this Petition and consider the prayer for delay condonation in filing the appeal liberally.

5. So far prayer clause 'E' is concerned, liberty to the petitioner to approach Respondent No.2. The Deputy Director of Education will hear the petitioner and respondent Nos. 3 to 5 about the prayer of the petitioner for payment of salary dues of the petitioner w.e.f. 01.09.2008 onwards till date. Needless to observe, Respondent No.2 will hear the petitioner and also Respondent Nos. 3 to 5 and then take appropriate decision in accordance with law. In case, such application/representation is filed by the petitioner, Respondent No.2 shall hear the petitioner and Respondent Nos. 3 to 5 and take final decision, as expeditiously as possible, however, within four months from today.

6. The parties to act upon an authenticated copy of this order.

(**P.R. BORA, J.**)

(**S.S. SHINDE, J.**)

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