

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 886 OF 2014

SANGITA VIKAS SONTAKKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Latange V.P.
AGP for Respondents 1 to 3 : Smt. Shinde V.A.
Advocate for Respondents 4 & 5 : Shri Sangit L.V.
Advocate for Respondent 6 : Smt. Deshmukh C.S.
h/f Smt. Nyayadhish S.V.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 13, 2015

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PER COURT :-

1. Smt. Deshmukh, learned Advocate places reliance upon the judgment of the learned Full Bench of this Court in the case of St. Ulai High School and another Vs. Devendraprasad Jagannath Singh and others [2007 (1) Mh.L.J. 597], to support her contention that any challenge to the order of dismissal, termination, reversion or supersession needs to be posed under Section 9 of the the Maharashtra Employees of Private Schools (Conditions of Service) Act, 1977 ("the MEPS Act" for short). She relies upon these conclusions set out in paragraph No.13 of the judgment in the St. Ulai High School Case (supra).

2. Shri Latange, learned Advocate for the petitioner submits that though an alternate statutory remedy is available, it may not preclude this Court from exercising it's jurisdiction and entertaining this petition in relation to the cause of action set out.

3. I am not impressed by the submissions of the petitioner. The MEPS Act is a special Code aimed at dealing with such causes of action, which are set out in Section 9, which is an appeal provision. It is not an alternate remedy, but a statutory, efficacious and expeditious remedy. All disputed issues can be gone into by the School Tribunal, which this Court cannot in its writ jurisdiction.

4. In the light of the above, this petition is dismissed.

5. The petitioner is at liberty to prefer an appeal under Section 9 of the MEPS Act before the School Tribunal. The time consumed on account of the institution of this petition on 21.1.2014 till the passing of this order, shall be a ground for condonation of delay.

(RAVINDRA V. GHUGE, J.)

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