

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1825 OF 2014
WITH CA/6362/2015 IN WP/1825/2014

SHIVGANGA RAMCHANDRA MADIBOYANE
VERSUS
THE SCHEDULED CASTE, SCHEDULED TRIBES, VIMUKTA
JATIS, NOMADIC TRIBES, OTHER BACKW

...
Advocate for Petitioners : Mrs. Wadmare Sangmitra
Advocate for respondent No.1: Mr. P.R. Patil
Advocate for Respondent No.2 : Mr. Sachin S. Deshmukh
AGP for Respondent No.3: Ms. D.B. Bhange
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 16th JUNE, 2015

P.C. :-

1. Mrs. Wadmare, the learned counsel for the petitioner submits that this Court has granted interim order dated 06.03.2014, still respondent did not permit the petitioner to join and sign the Muster. According to the learned counsel, the respondents have filed a false affidavit stating that the petitioner has resigned. It a case of a forceful resignation. The learned counsel submits that in fact, the respondents have violated the orders of the Court. Even on 24.02.2014, the petitioner has given a letter to the Head Master bringing it to the notice that the petitioner is not allowed to sign the Muster.

2. Mr. Deshmukh, the learned counsel for the management submits that the petitioner has voluntarily resigned.

3. Whether petitioner has voluntarily resigned or the resignation of the petitioner has been taken forcefully is a disputed question of fact. In case the petitioner is in a position to prove that the resignation has been forcefully obtained, then in that regard the School Tribunal has the jurisdiction to consider the same.

4. In the light of above, writ petition stands disposed with liberty to the petitioner to approach the School Tribunal. All contentions of the respective parties are kept open. The Tribunal, where the proceedings may be filed, shall consider the time spent in prosecuting the present writ petition.

5. As far as the validation proceedings pending with respondent No. 1 is concerned, the respondent No. 1 shall endeavor to decide the said proceedings expeditiously and preferably within a period of one year from today. The petitioner shall cooperate in expeditious disposal of the said proceedings.

6. In view of disposal of writ petition, the Civil Application No. 6362 of 2015 is also disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)