

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

WRIT PETITION NO. 5474 OF 2014

Jyoti Bhimrao Patil and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Vivek J. Dhage, Advocate for Petitioners.

Smt. S. A. Dhumal, A.g.P. for the Respondent No. 1.

Shri Sachin S. Deshmukh, Advocate for the Respondent No. 3.

Shri V. D. Hon, Senior Advocate i/by Shri Ashwin V. Hon,
Advocate for Respondent Nos. 4 to 6.

Shri M. S. Kulkarni, Advocate for Respondent Nos. 8 and 9.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 03RD AUGUST, 2015.

PER COURT :

. Mr. Dhage, the learned counsel for petitioners states that, the respondent Nos. 5 and 6 are directed to be absorbed in the respondent No. 4/school, wherein the petitioners were working. After filing of the petition, the petitioners are orally terminated, against which the petitioners have filed appeal before the School Tribunal. The same is pending. The learned counsel submits that, the School Tribunal may not be in a position to go into the details about the orders of absorption. As such, present writ petition is being prosecuted further, even after filing of appeals

before the School Tribunal. The respondent No. 7 school where the respondent Nos. 5 and 6 were working has been transferred to the respondent No. 8 trust. It is now renamed as the respondent No. 9, who has absorbed the respondent Nos. 5 and 6.

2. Mr. Hon, the learned senior counsel for respondent Nos. 4 to 6 submits that, it is pursuant to orders of the Education Officer, the respondent Nos. 5 and 6 have been absorbed by the respondent No. 4 as they were declared surplus. They had to abide by the orders passed by the Education Officer.

3. Mr. Deshmukh, the learned counsel for the respondent No. 3 submits that, the termination of the petitioners is later in time i. e. after filing of the writ petition. According to the learned counsel, even appeals are filed before the School Tribunal by the petitioners. So also the letter which is impugned in the present writ petition is also challenged by way of civil suit by the then President of the respondent No. 3.

4. As the petitioners have already filed appeals before the School Tribunal, further course would depend upon the decision given by the School Tribunal. It is the School tribunal that is competent to go into the aspect of validity of termination order. The order of absorption, etc. would certainly depend upon the orders passed by the School Tribunal. The School Tribunal is an

appropriate authority to consider validity of the termination order. The School Tribunal would consider the validity of the termination order on its own merits. The writ petition accordingly is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/Aug. 15