

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

REVIEW PETITION (ST) NO. 4667 OF 2015

**ALONG WITH
CIVIL APPLICATION NO. 2792 OF 2015
(For condonation of delay)**

**AND
CIVIL APPLICATION NO. 2793 OF 2015
(For impleadment)**

**IN
REVIEW PETITION (ST) NO. 4667 OF 2015
IN
WRIT PETITION NO. 8793 OF 2012**

Shrisant Goroba Shikshan Sanstha & ors. ... Petitioners

v/s

Kum. Vimal Parshuram Balid & ors. ... Respondents

Mr.A.P.Vanarase for the petitioners in review petition/applicants in C.A.No.2792/2015.

None present for the applicant in C.A.No.2793/2015.

Ms.Vimal P. Balid – Resp. No.1 present in Court.

CORAM: N.M. JAMDAR, J.

DATED : 1 DECEMBER 2015

P.C.:

Civil Application No.2792 of 2015 is taken out for condonation of delay in filing the review petition.

2. Considering the facts and circumstances and after hearing both sides, the civil application is allowed and the delay in filing the review petition is condoned, and the review petition is taken up for consideration.

3. By order dated 7 May 2014, the petition filed by the Petitioner Institute challenging the order of the School Tribunal directing reinstatement to Respondent No.1 was rejected. As regard the back wages, there were certain modifications that were granted. At that time, the review petitioner had made a statement that entire burden may not be foisted upon the Petitioner school and the Petitioner may be permitted to pay back wages to Respondent No.1 in instalments. There was no order passed on this contention of the Petitioner and it was left open to the parties to arrive at amicable settlement. It was however observed that even before putting-forth such proposal for consideration, the Petitioner must first reinstate Respondent No.1 and pay substantial arrears and then it will be open to Respondent No.1 to consider the proposal. There cannot be any review of this observation as it is not in a nature of direction. The entitlement of Respondent No.1 is not disturbed. Only the contention regarding the payment on instalment was left to be considered by way of negotiations between the parties. Having disposed of the petition finally, there cannot be further monitoring and review petition is therefore entirely misconceived and is rejected.

4. Civil Application No.2793 of 2015 is taken out for impleadment in the review petition. The applicant in this application was not even a party before the School Tribunal nor in the writ petition. Even otherwise, the review petition is rejected on merits. The applicant will have her independent remedies open in law and facts, if they are available. In view of this position, Civil Application No.2793 of 2015 is rejected.

(N. M. JAMDAR, J.)