

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2759 OF 2003

Mrs. Supriya Kundu	..	Petitioner
vs.		
Dr. D. Y. Patil Educational Academy & Ors.	..	Respondents

Ms Varsha Palav for Petitioner.

Mr. K. S. Bapat with Mr. Neel Helekar for Respondent Nos. 1 and 2

Ms Vaishali Nimbalkar – AGP for Respondent No. 3.

CORAM : M. S. SONAK, J.

Date of Reserving the Judgment : 20 February 2015

Date of Pronouncing the Judgment : 25 February 2015

JUDGMENT :-

1] By this petition, the petitioner questions the order dated 21 November 2002 made by the School Tribunal dismissing her appeal against the termination of her services from the respondent no. 2 school on 23 May 2002.

2] The learned counsels for the parties agree that there is no material difference between the facts and circumstances of the present case and the facts and circumstances as obtained in writ petition no. 2598 of 2003. Accordingly the decision in writ petition no. 2598 of 2003 shall govern the present case as well. For reasons recorded therein, the following order is passed:

(A) The impugned order dated 21 November 2002 in appeal no. 69 of 2002 is set aside. However the direction to pay the petitioner six months salary (pay and allowances) by way of compensation is not disturbed. If however the Tribunal comes to the conclusion that any additional relief is due to the petitioner, then the Tribunal shall make appropriate adjustments by taking into consideration such compensation amount;

(B) The petitioner's appeal no. 69 of 2002 is restored to the file of the School Tribunal. The School Tribunal is directed to hear and decide the said appeal, in accordance with law, as also the observations made in judgment and order dated 25 February 2015 in writ petition no. 2598 of 2003;

(C) The School Tribunal to hear and dispose of the petitioner's appeal no. 69 of 2002 as expeditiously as possible and in any case within a period of six months from today;

(D) Parties to appear before the School Tribunal on 9 March 2015 at 11 a.m.;

(E) Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

(F) All parties to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)

Chandka