

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CIVIL APPLICATION (CAW) NO.401 OF 2015

IN

WRIT PETITION NO.2808 OF 2013(D)

(Ku. Pushpa d/o Shamilal Dakhane ..vs.. Shri Samarth New Education Society and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 25-03-2015

Heard Shri M.V. Samarth, the learned Advocate for the respondent No.1, Shri R.G. Kavimandan, the learned Advocate holding for Shri R.L. Khapre for the petitioner and Shri D.B. Patel, the learned Assistant Government Pleader for the respondent No.5.

The learned Advocate for the applicant/ respondent No.1 has submitted that because of the observations of this Court in paragraph 29 of the judgment, the Education Department is not considering its request for releasing the grant towards the arrears of salary of the petitioner for the period from November 2012 till the date of the judgment. It is submitted that as per Section 11(3) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, the Tribunal is empowered to give directions to the Education Department to reimburse the amount directed to be paid to the employee.

However, the directions in paragraph 29 of the judgment are recorded, finding that the termination of services of the petitioner by the respondent No.1 were illegal. In view of the facts on the record, the prayer made by the respondent No.1 in this application cannot be granted.

The civil application is dismissed.

JUDGE

pma