

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1853/2014
(NITA MOHANLAL YADAO **VERSUS** THE STATE OF MAH. & OTHERS)

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

Court's or Judge's orders

Shri S.K. Pardhy, counsel for the petitioner.
Shri N.S. Khubalkar, A.G.P. for the R-1 & 3.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : APRIL 13, 2015.

Heard.

Shri Khubalkar, the learned Assistant Government Pleader appearing on behalf of the respondent nos.1 and 3, raises a preliminary objection to the tenability of the writ petition on the ground that the petitioner has an alternate remedy of filing an appeal against the promotion of the respondent no.4 as a Headmaster under Section 61.2(D) of the Secondary School Code. It is stated that it is held by the Division Bench of this Court in the judgment reported in **2003(2) All M.R. 951** that the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 is not applicable to the Local Authorities and the secondary schools run by the Local Authorities are governed by the Secondary School Code.

Shri Pardhy, the learned counsel for the petitioner, states that the petitioner would file an appeal under the provisions of Regulation 61.2 before the Director of Education within a period of fifteen days. The learned counsel seeks permission to withdraw the writ petition, in this background.

Since the petition is pending before this Court from 04.03.2014, we direct the Director to consider the question of condonation of delay in filing the appeal, if any, liberally as it is informed that the petitioner was bona fide prosecuting the writ petition in this Court on a belief that there was no alternate remedy.

The writ petition stands disposed of as withdrawn in the aforesaid circumstances. No Costs.

The points raised in the petition are, however, kept open.

JUDGE

JUDGE

APTE