

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
Civil Application [CAO] No. 749 of 2014
IN
Misc. Civil Appln. [Review] St. No. 8236 of 2014
IN
Writ Petition No. 6350 of 2013 [decided]
[The Maharashtra Higher Primary School & another Vs. Presiding Officer,
School Tribunal, Nagpur, and two others]

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

Court's or Judge's orders

Mr. Shashibhushan Wahane, Adv., for the Applicants.
Mr. V.A. Thakre, AGP for respondent no.1.
Mr. A.Z. Jibhkate, Adv., for respondent no.3.

CORAM : A.B. CHAUDHARI, J.

DATE : 13nd March, 2015.

This is an application for condonation of delay of 59 days in filing Misc. Civil Application for review of the Judgment and Order dated 23rd January, 2014 passed by this Court in Writ Petition No. 6350 of 2013.

Heard learned counsel for the rival parties.

Accepting the reasons furnished in the application to be sufficient and satisfactory, the application is allowed and delay is condoned.

Misc. Civil Appln. St. No.8236/2014 :

Heard Mr. Wahane, learned counsel for the Applicants and Mr. Jibhkate, learned Adv., for respondent no.3.

Mr. Wahane, learned counsel for the applicants, has taken me through the order under review dated 23rd January, 2014 passed by this Court in Writ Petition No. 6350 of 2013. He then invited my attention to the letter dated 17th March, 2014 issued by the Superintendent, Pay Unit, under respondent no.2. A copy of the said letter is taken on record and marked 'X' for identification.

Perused the said letter. It is stated in the letter that the order regarding payment of back wages is not clear. In that, it is not mentioned as to who is supposed to make the said payment and, therefore, a clarification should be obtained from the Court.

Upon perusal of the order made by me, it is clear that there is an order against all even in Clause [d] of the operative order. However, the letter aforesaid marked 'X', which is taken on record, gives a fresh cause of action to the review applicant, since, according to Mr. Wahane, as per Guideline No.18, the school being admitted to grant-in-aid, the payment of salary is required to be made by the Education Officer and not by

the Management. It is not possible for me to enter into that controversy looking to the limited scope of the present Review Application and original writ petition. That being so, I make the following order:-

ORDER

- [a] Misc. Civil Application St. No. 8236 of 2014 for review is partly allowed.
- [b] Review Applicants are granted liberty to take such steps as are available in law in relation to the letter dated 17th March, 2014 marked 'x' for identification.
- [c] With the above liberty, Review Application is disposed of.

Judge

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