

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

Writ Petition No.5342 of 2014

(The Principal, Dr. Panjabrao Deshmukh Polytechnic College, Amravti, and
others v. Ku. Vatsala d/o Shankarrao Mankar)

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

Shri Abhay Sambre, Advocate for Petitioners.
Shri P.D. Meghe, Advocate for Respondent.

Coram : R.K. Deshpande, J.

Dated : 23th February, 2015

Shri Sambre, the learned counsel appearing for the petitioners, has raised an objection regarding the jurisdiction of the Labour Court to entertain, try and decide the complaint filed by a non-teaching employee in a private school, which is governed by the provisions of the MEPS Act and the Rules framed thereunder. He submits that the MEPS Act has provided a remedy of statutory appeal under Section 9 of the said Act to challenge the order of termination/dismissal/removal from the employment, and, therefore, the jurisdiction of the other Courts, including that of the Labour Court is impliedly barred.

Shri Meghe, the learned counsel appearing for the respondent-employee, accepts the position that the jurisdiction of the Labour Court is impliedly barred, and seeks permission of this Court to prefer an appeal under Section 9 of the MEPS Act before the School Tribunal.

Shri Sambre, the learned counsel for the petitioners has no objection for permitting the respondent-employee to approach the School Tribunal, subject to keeping the objection regarding limitation open to be decided by the School Tribunal.

In view of above, the petition stands disposed of with a permission to the respondent-employee to approach the School Tribunal under Section 9 of the MEPS Act by filing an appeal. All questions, including that of limitation are kept open to be decided by the School Tribunal.

Complaint (ULP) No.11 of 2007 filed by the respondent-employee before the Labour Court shall stand dismissed for want of jurisdiction. Consequently, the orders passed by the Labour Court as well as by the Industrial Court stand set aside.

Judge.

Lanjewar