

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

CAO NO. 2020/2015 IN MCA ST. NO. 22331 OF 2013

IN

WRIT PETITION NO. 6493 OF 2014

(Lok Seva Mandal thr. its President & Anr. vs. The State of Maharashtra thr. its Secretary,
Department of Education & Ors.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
NOVEMBER 27, 2015.**

Heard Shri Mohgaonkar, learned counsel for the applicants and Mrs. Rashi Deshpande, learned APP for respondent Nos. 1 to 3.

The prayer is to condone delay of 32 days in filing MCA Stamp No. 22331 of 2015.

MCA Stamp No. 22331 of 2015 is filed for seeking review of order dated 15.09.2015 in Writ Petition No. 6493 of 2014.

Shri Mohgaonkar, learned counsel submits that observations made by this Court in para No. 7 militate with very logic employed by the Hon'ble Apex Court in its judgment in the case of Viman Vaman Awale vs. Gangadhar Makhriya Charitable Trust & Ors., reported at 2014 (13) SCC 219. He points out that in that judgment, the School involved was a Secondary School and the Hon'ble Apex Court has, after laying down law, impliedly abolished the distinction between various categories in Scheduled F in the Maharashtra Employees of Private Schools (Conditions of Service)

Rules, 1981. In addition, he also points out that in para 8, time of entry of the petitioner No. 2 into employment has been erroneously mentioned as 1974.

After hearing, Shri Mohgaonkar, learned counsel for the applicants and the learned AGP for the respondents, we are satisfied that the 'year' of entry has been erroneously mentioned and date of entry should have been '08.08.1980'. However, that date has been mentioned a little later in the very same para and the mention of the year 1974 does not in any way affect the consideration by this Court on merits.

After hearing respective counsel and in the background of various categories contemplated in Schedule F, we have made observation in para 7 of the order dated 15.09.2015.

We, therefore, find that no case for review is being made out. As such, we are not inclined to issue notice on prayer for condonation of delay to private respondents.

Civil Application as also MCA are rejected.

JUDGE

JUDGE

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