

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 122 OF 2016

SHUBHANGI LOTAN BEDSE
VERSUS
VIDYA VIKAS MANDAL & ORS

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Advocate for Petitioner : Shri Deshmukh Sachin S.
APP for Respondent 16 : Shri Bhagat N.T.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 01, 2016
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PER COURT :-

1. The petitioner is aggrieved by the order dated 9.12.2015, passed by the learned Judicial Magistrate F.C., Sakri, District Dhule, thereby exempting accused Nos.2 to 8 and 10 to 12 from remaining personally present in Summary Criminal Case no.55 of 2010, initiated by the petitioner, under Section 13 of the the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.
2. I have heard the submissions of the learned Advocate for the petitioner and the learned APP on behalf of respondent No.16.
3. The issue before the trial Court is that of non-compliance of the order of reinstatement dated 12.3.2009, passed by the School Tribunal. By order dated 15.9.2009, this Court dismissed the Writ Petition No.3142 of 2009, filed by the Management. Letters Patent Appeal No.199 of 2009 filed by the respondent / management was withdrawn.
4. The petitioner was an employee of respondent No.1 Society and she was orally terminated on 22.2.2007. She has succeeded against the management in all her proceedings. Despite the same, the respondent / management had not reinstated her in employment.

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5. Respondent Nos.2 to 15 are said to be the trustees of respondent No.1 / educational society and, therefore, they are responsible for the acts, omissions and commissions of the said society. Shri Deshmukh, strenuously submits, that each of them is liable to implement the order of reinstatement and are fully aware of the proceedings as they have already been arrayed as respondent / accused before the learned Magistrate.

6. I have considered the submissions of Shri Deshmukh in the light of the impugned order which grants exemption to the accused mentioned therein from remaining personally present in the Court. The learned Magistrate has noted that they are exempted until further orders. Naturally it means that they would have to remain present as and when directed by the learned Magistrate.

7. Shri Deshmukh further submits that on account of the pendency of this petition filed on 12.1.2016, the case has not progressed in the Court below.

8. Considering the above, and in the light of the order that I intend to pass, I do not find it necessary to issue notices to respondent Nos.1 to 15.

9. This petition is disposed off, without interfering with the impugned order dated 9.12.2015. However, I am directing the learned Judicial Magistrate F.C. Sakri, District Dhule to adjudicate upon SCC No.55 of 2010 as expeditiously as possible and in any case on/or before the 30.12.2016.

(RAVINDRA V. GHUGE, J.)

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