

BDPPS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
LETTERS PATENT APPEAL(ST) NO.11332 OF 2011
IN
WRIT PETITION NO.7130 OF 2009

The Chairman,
Konkan Education Society,
Alibag.

..... Appellant.

V/s

Mrs Smita Satish Dublay and Others Respondents.

Mr. A.H. Fatangare a/w Mr. S.V. Gavand for the Appellant.
None for the Respondents.

CORAM: V. M. KANADE &
MRS. SWAPNA JOSHI, JJ.

DATE: 6th September, 2016

P.C.:-

1. Appellant is aggrieved by the order passed by the learned Single Judge dated 07/01/2011.
2. Brief facts are that Respondent No.1 had filed an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulations Act, 1977. The School Tribunal, by its order dated 05/03/2009 allowed her appeal and directed the Appellant to reinstate her with full back-wages. Being aggrieved by the said order, the Appellant herein preferred a Writ Petition in this Court. The learned Single Judge by an order dated 07/01/2011 restricted the Rule only to the payment of back-wages. In the said order, the learned Single Judge has observed as under:-

“1 Rule restricted only to the back-wages payable under the order dated 5th March, 2009 passed by the School Tribunal, Kolhapur in Appeal No.42 of 2003.

2. There shall be interim relief with respect of payment of back-wages only on condition that the petitioner deposits in this Court the back-wages, as awarded by the School Tribunal, within a period of four weeks from today.”

From the aforesaid order, it can be seen that no reasons have been given as to why the learned Single Judge has restricted the rule only to the payment of back-wages and has rejected the claim of the Appellant for setting aside the reinstatement.

3. Since no reasons have been given by the learned Single Judge, we have no option but to remand the matter back to the learned Single Judge to consider whether Rule should be or should not be granted in respect of reinstatement.

4. The learned Counsel for the Appellant submits that the School has been closed down and the Appellant has accommodated Respondent No.1 in some other School.

5. Appeal is allowed in the aforesaid terms and disposed of. Hearing of the Writ Petition is expedited.

(MRS SWAPNA JOSHI, J.)

(V.M. KANADE, J.)