

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 10686 OF 2011
WITH
CIVIL APPLICATION NO. 319 OF 2015**

Shri. Mutyal Vilas Rambhau ... Applicant

In the matter of

Shri. Rangdas Swami Shikshan Vikas & Ors. ... Petitioners

Vs.

Shri. Mutyal Vilas Rambhau & Ors. ... Respondents

....

Shri. V.B. Tapkir for the Applicant in CA and Respondent in WP.

Shri. D.S. Mhaispurkar for the Petitioners in WP/10686/2011.

Shri. A.R. Metkari AGP for the Respondent No. 2.

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CORAM : A.A. SAYED, J.

DATE : 16 DECEMBER 2016

P.C.:

1 Learned Counsel for the parties state that the issue involved in this Petition is covered by the Full Bench of this Court in the case of **Shikshan Prasarak Mandal Awasari (BK) & Anr. Vs. Ramesh Bhimrao Narayankar & others, 2016 Mh.L.J. 677**, wherein it has been held that the State/National Awardee Teacher or Headmaster who has retired can be appointed as Member of the Enquiry Committee under Rule 36 of the MEPS (Condition of Service) Rules, 1981.

2. In view of the above, the impugned order is set aside and the Appeal is remitted back to the School Tribunal for fresh consideration on merits. Learned Counsel for the parties state that the parties will appear before the School Tribunal, Pune on 9 January 2017 at 11 a.m.

3 Rule is made absolute in the aforesaid terms.

4 It would be open for the Respondent No. 1/orig. Appellant to request the School Tribunal to give priority to hearing of the Appeal and the School Tribunal to consider the said request sympathetically.

5 The Petition is disposed of accordingly. The Civil Application does not survive and the same shall stand disposed of.

(A.A. SAYED, J.)