

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

WRIT PETITION NO.502 OF 2016

[Ku. Saroj Bhagwandas Kamble .vs. The State of Maharashtra and others]

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

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Shri B.G. Kulkarni, Advocate for the petitioner,  
Shri A.M. Balpande, AGP for respondent nos.1 to 3,  
Shri A.D. Mohgaonkar, Advocate for respondent no.4,  
Shri Anand Parchure, Advocate for respondent no.5.  
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CORAM : SMT. VASANTI A NAIK AND  
MRS. SWAPNA JOSHI, JJ.

DATED : DECEMBER 21, 2016.

In view of the orders passed by this Court from time to time, especially in Writ Petition Nos.4708/2016 and 5989/2016, the parties are *ad idem* that the issue in regard to the correctness or otherwise of the promotion of the petitioner to the post of Headmistress could have been decided by the Tribunal only. Since it appears that the Education Officer could not have cancelled the order of promotion of the petitioner, the parties agree that the writ petition could be disposed of with the consent of the learned counsel for the parties.

Hence, the writ petition is disposed of with the consent of the learned counsel for the parties, on the following terms :

- 1] The petitioner would continue to work as the Headmistress and would draw the salary for the post of Headmistress, till the School Tribunal decides the appeal filed by the respondent no.2.
- 2] The respondent no.5 would prefer an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 before the School

Tribunal within three weeks for challenging the promotion of the petitioner to the post of Headmistress.

3] The School Tribunal may consider the application for condonation of delay sympathetically as the respondent no.5 was wrongly prosecuting the matter before a forum that was not competent to decide the issue pertaining to the correctness or otherwise, of the promotion of the petitioner.

4] Shri Shikhre would continue to hold the signing authority till the appeal of the respondent no.5 is disposed of.

5] The impugned order would not be acted upon and there would be no order as to costs.

JUDGE

JUDGE

Gulande, PA