

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**C.A.O. No. 578 of 2015**

**In**

**M.C.A. St. No. 3815 OF 2015 IN Writ Petition No.3544 of 1998(D)**

Ku. Ranjana d/o Purushottam Senad

Vs.

Deputy Director of Education, Nagpur Division, Nagpur and 2 others.

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

Court's or Judge's orders.

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Mr. A.D. Mohgaonkar, counsel for applicant.

Mr. Joshi, AGP for respondent no.1.

Mr. Jibhate, counsel for respondent no.2.

**CORAM : SMT. VASANTI A. NAIK &  
V.M. DESHPANDE, JJ.**

**DATE : 21<sup>st</sup> April, 2016.**

Heard. Perused the contents of the application. For the reasons stated therein, we condone the delay of 64 days in filing the application. Civil application is allowed and disposed of.

**MCA ST. No. 3815/2015**

Heard. It is stated on behalf of the original petitioner-applicant that the prayer made by the petitioner in prayer clause(b) for a direction to the management and the education department to pay the salary of the petitioner for the period from 1993-94, 1994-96 and 1995-96 till 1.5.1997 could not have been decided by the School Tribunal. It is stated that though the petitioner had filed an appeal

against her termination before the School Tribunal, the relief sought by the petitioner by prayer clause (b) could not have been granted by the School Tribunal.

We find much force in the submission made on behalf of the original petitioner-applicant. Hence, we recall the order dated 2.12.2014 only in so far as it dismisses the petition in respect of the prayer made in prayer clause (b). The writ petition shall be restored to file only in respect of the prayer made in prayer clause(b) of the writ petition, for a direction to the respondents to pay the salary. Since the petition is filed on 2.9.1998, it appears that the applicant- petitioner would be entitled to claim the salary only for a period of three years preceding the date of filing of the writ petition on 5.11.1998 i.e. from 5.11.1995 onwards. Hence, the writ petition stands restored in respect of the claim of the petitioner for grant of salary for the period from 5.11.1995 till 1.5.1997. Misc. civil application is allowed in aforesaid terms and disposed of.

The matter may be listed for hearing before the appropriate bench.

**JUDGE**

**JUDGE**