

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAO) NO. 420 OF 2016

AND

MISC. C. A. ST. NO. 4568 OF 2016

IN

WRIT PETITION NO. 3070 OF 2015

Saibaba Gramin Vikas Sanstha Gadchiroli & Ano. Vs. Presiding Officer School Tribunal Chandrapur & Ors.

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

Court's or Judge's Order

.....
Shri S. V. Purohit Adv for applicants/petitioners.

CORAM: A. S. CHANDURKAR J.

DATED: 04th MARCH, 2016.

Heard the learned counsel for the applicants on the application for condonation of delay as well as on the application for review. It is submitted that the delay of 56 days in filing the review application has been explained by giving reasons in para 3 of the application.

It is then submitted that in the judgment dated 20.11.2015 in Writ Petition No. 3070 of 2015, the aspect that another employee was already appointed in place of respondent no.2 therein was not taken into consideration. It is then submitted that the aspect regarding unsatisfactory services rendered by the respondent no.2 was also not taken into consideration while dismissing the writ petition. It was also urged that the School

Tribunal condoned the delay in filing the appeal without properly considering the explanation furnished by the respondent no.2. It is, therefore, submitted that the judgment dated 20.11.2015 deserves to be reviewed.

I have perused the documents filed along with the writ petition. The stand that another employee was appointed in the place of respondent no.2 was not urged either before the School Tribunal in the appeal filed by respondent no.2 or in the writ petition challenging the judgment of the School Tribunal. Similarly, the order of termination dated 14.06.2011 does not indicate that the services of respondent no. 2 were terminated on the ground of unsatisfactory services. The aspect of delay being condoned by the School Tribunal could have been challenged by the petitioner when it had filed Writ Petition No. 4434 of 2014 challenging the findings recorded by the School Tribunal against the preliminary issues while deciding the appeal.

In view of aforesaid, I am not inclined to entertain the applications. The Civil Application and the Misc. Civil Application Stamp stand rejected. No costs.

JUDGE

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