

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 111 OF 2017
IN WRIT PETITION NO. 11312 OF 2016
WITH CIVIL APPLICATION NO. 112 OF 2017
IN WRIT PETITION NO. 11311 OF 2016
WITH CIVIL APPLICATION NO. 113 OF 2017
IN WRIT PETITION NO. 11313 OF 2016
AND CIVIL APPLICATION NO. 122 OF 2017
IN WRIT PETITION NO. 11310 OF 2016

GULSHAN SHIKSHAN PRASARAK MANDAL AND ANOTHER
VERSUS
THE EDUCATION OFFICER, ZP, AURANGABAD AND ANOTHER

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Advocate for Applicants : Shri Nagargoje P.H. h/f Shri Zaidi A.Z.M.
AGP for Respondent 1 : S/Shri Kendre S.N. and Bhagat N.T.
Advocate for Respondent 2 : Shri Deshpande A.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 06, 2017
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PER COURT :-

1. In all these applications, the applicant is seeking extension of time for filing of the charge sheets before the Tribunal and for depositing the suspension allowance as directed by this Court in the light of paragraph No.9 of the judgment of the Honourable Supreme Court in the matter of Vidya Vikas Mandal and another Vs. Education Officer and others [2007 (3) Mah.L.J. 801].

2. These applications were heard in the first session today and after hearing the learned Advocates for the respective sides, this Court contemplated extending the time for permitting the applicants to file

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the charge sheets on/or before 10.1.2017 on the condition that the applicants should file an affidavit undertaking that 50% of the arrears of subsistence allowance would be deposited before the School Tribunal on/or before 16.1.2017 and the remainder amount would be deposited by 31.1.2017.

3. In the second session, after lunch, when the matters were called out, the applicant instructed the learned Advocate to say that 50% of the amounts can be deposited in the Tribunal on/or before 18.1.2017 and the remainder amount would be deposited by 31.1.2017. When it was inquired as to where are the affidavits of the applicants, learned Advocate for the applicant submits on instructions, that the applicant is merely willing to make an oral statement but would not file an affidavit in this Court. This appears to be an unusual stand.

4. Considering the above, it is obvious that the applicants do not desire to make a statement on an affidavit and merely want the learned Advocate to make an oral statement on their behalf. This clearly reflects on the bonafides of the applicants.

5. Considering the above, these civil applications are rejected. The consequences in the light of the directions of this Court in paragraph No.

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18 of it's judgment dated 23.11.2016 shall follow and the School Tribunal shall accordingly act on the same.

(RAVINDRA V. GHUGE, J.)

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