

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

901 WRIT PETITION NO.471 OF 2014

SATISH ROHIDAS PAWAR
VERSUS
GRAMAUDYOGIK SHIKSHAN MANDAL, AURANGABAD AND
OTHERS

...

Advocate for Petitioner : Mr. Godbole R.J.
Mr. Deshpande Ajay S., Adv. For R/1
Mr. NT Bhagat, AGP for Respondents: 3 to 5.

CORAM : P.R.BORA, J.

DATE : 18th April, 2017.

PER COURT :

1) After hearing learned Counsel for the parties for some time, it is revealed that the School Tribunal, Solapur has held that the appeal was not filed within the stipulated period of limitation. When such was the finding recorded by the Tribunal, in fact, the Tribunal was not supposed to enter into the merits of the matter in view of the judgment of this Court in the case of Mahadeo Somaji Sarode Vs. Jotiba Dhyani Upasak Shikshan Sanstha, Dudhala and Ors., reported in 2004 (3) Mh.L.J. 1078. As held by this Court in the aforesaid judgment, such a course was

impermissible for the learned School Tribunal.

2) In Writ Petition No.210/2013, this Court has taken the similar view in similar circumstances. As such, it appears to me that the same course, as was adopted by this court while disposing of Writ Petition No.210/2013, needs to be adopted in the instant matter. Hence, the following order, -

ORDER

i) The impugned order dated 22.11.2013 passed by the School Tribunal, Solapur in Appeal No.40/2012, is set aside and the matter is remitted back to the Tribunal to consider the same afresh;

ii) Needless to state that the Tribunal shall give due opportunities of hearing to both the parties;

iii) It would be open for the petitioner to move an application seeking condonation of delay occurred in preferring the appeal. The opportunity, of course, will be available to the

respondent also to rebut the said contentions;

iv) It is clarified that this Court has not entered into merits of the contentions raised by the parties in the petition. All the issues are kept open, to be considered by the learned School Tribunal.

v) With the observations, as above, the writ petition stands disposed of.

(P.R.BORA,J.)

bdv/