

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10969 OF 2016

JAIBHAWANI SHIKSHAN PRASARAK MANDAL AND ANOTHER
VERSUS
SATISH DATTU KATALE AND OTHERS.

Advocate for Petitioner : Shri P.S. Shendurnikar.
AGP for Respondent No. 3 : Shri N.T. Bhagat.

CORAM : RAVINDRA V. GHUGE, J.
Dated : February 08, 2017

PER COURT :-

1. The petitioner is aggrieved by the judgment of the School Tribunal dated 23/10/2008, by which, Appeal No. 128/2006 filed by respondent No. 1 herein has been partly allowed and he has been granted reinstatement with continuity and full back wages as well as Rs. 3,000/- towards cost.

2. Learned counsel for the petitioner submits, on instructions, that the impugned judgment was delivered ex-parte. The petitioners have reinstated the appellant and subsequently he has been terminated on 12/02/2013. The appellant has preferred a new Appeal No. 14/2013

which is pending before the School Tribunal. The petitioner has taken a stand that the appellant does not have the requisite qualification for being appointed on the post of Assistant Teacher in Hindi subject.

3. The impugned judgment is dated 23/10/2008 which is challenged in the petition filed on 30/03/2016. Considering the delay caused and despite the strenuous submissions of Shri Shendurnikar, as I am not convinced, this petition is not being entertained and is dismissed only on the ground of delay.

4. Needless to state, whatever contentions that the petitioners may have raised or defence has been taken in the subsequent proceedings pending before School Tribunal, the Tribunal is expected to decide the same on its own merits. All contentions of the litigating sides are therefore, kept open.

(RAVINDRA V. GHUGE, J.)