

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2547 OF 2017

Vilas Dunda Nichite ...Petitioner
vs.
Sanskar Shikshan Sanstha and Others ...Respondents

Ms. Saroj Jadhav i/b. Mr. Nitin Rajguru, for the Petitioner.
Mr. Jitendra Oak i/b. Mr. A.A. Garge, for Respondent Nos. 1 and 2.

**CORAM : SHANTANU S. KEMKAR &
A. M. BADAR, JJ.**

DATE : APRIL 27, 2017

P.C.:

. Not on board. Upon mentioning taken on board.

2. The learned counsel for Respondent Nos. 1 and 2 has placed on record the order dated 15th April, 2017 by which the Petitioner's service has been terminated.

3. In view of this the learned counsel for Respondent Nos. 1 and 2 submits that the Petitioner will have to approach the School Tribunal to challenge the said termination order.

4. The learned Counsel for the Petitioner submits that the Petitioner will challenge the order before the School Tribunal but in

regard to the Petitioner's unpaid salary, the Petitioner may be given liberty to approach the Respondent Nos. 3 and 4 by way of filing representation and Respondent Nos. 3 and 4 (the Competent Authority) be directed to consider and take appropriate decision in regard to the Petitioner's unpaid salary, prior to the order of termination.

5. Keeping in view the aforesaid submission, we dispose of this Petition with liberty to the Petitioner to challenge the order dated 15th April, 2017 before the School Tribunal with further liberty to the Petitioner to submit representation before Respondent Nos. 3 and 4 in regard to his claim for unpaid salary, prior to termination.

6. In case the Petitioner submits the appropriate representation before Respondent Nos. 3 and 4 within one month, the Competent Authority/Respondent Nos. 3 and 4 shall decide the Petitioner's representation as expeditiously as possible but not later than three months from the date of filing of such representation.

7. Before taking any decision, the Competent Authority shall give opportunity of hearing to the Petitioner as also to Respondent Nos. 1 and 2.

8. The Petition stands disposed of as such.

(A.M. BADAR, J.)

(SHANTANU S. KEMKAR, J.)