

WRIT PETITION NO.3388 OF 2017

Mr.Girish J.Paryani for Petitioners.
Mr.Sagar Mahadev Gorule, Respondent No.1 in person present.
Mr.A.R.Metkari,AGP for Respondent No.3.

P.C. :

1. On the last occasion i.e. on 28 April 2017 the Respondent No. 1 Sagar Mahadeo Gorule was present in the Court in person. On being told that he can appoint an Advocate to address the Court as I was prima facie inclined to set aside the impugned order of the Tribunal and grant an opportunity to the Petitioner to file the Written Statement and contest the Appeal on merits on payment of costs to him, the Respondent No.1 stated that he does not want to engage an Advocate and has no objection if the Petition is allowed. However, I granted him an opportunity to think over and the matter was adjourned till today.

2. Today also the Respondent No.1 appeared in person and reiterated that he does not want to appoint an Advocate and he has no objection if the relief as prayed is allowed and the Appeal is contested on merits, upon costs being granted to him.

3. By the impugned order, the Appeal of the Respondent No.1 was allowed and oral termination dated 16 June 2015 was set

aside and the Petitioner was directed to reinstate the Respondent no.1 in the school as Shikshan Sevak. In the impugned order it is recorded that the Petitioner Ramanuj Manejar Singh appeared in the matter and failed to file written statement inspite of taking adjournments on four occasions and an order was passed on 11 July 2016 to proceed with the Appeal without written statement and that the Appeal be proceed ex-parte. According to the Petitioner the Respondent No.1 voluntarily left the services of the Petitioner Management and had remained absent from 10 February 2015 till the date of the termination on 16 June 2015 without seeking leave and it was learnt that the Respondent No.1 has joined one Akash Jr. College of Science and Commerce, Mumbai from 2 March 2015 to 23 March 2015 and he was removed due to absence from school and due to his misbehavior. According to the Petitioner they were waiting for documentary evidence and bring the same on record before the Tribunal. The Petitioner has averred in the Petition that they were ready with Written Statement on 25 January 2017 alongwith the Vakalatnama, however, the Tribunal proceeded with the matter. Considering the facts and circumstances of the case and in the interest of justice, I am inclined to grant an opportunity to the Petitioner to contest the Appeal on merits and file Written Statement, subject to costs. In the circumstances, I pass the following order:-

ORDER

- (i). The impugned order dated 25 January 2017 and order dated 11 July 2016 are set aside and the Petitioner is granted an opportunity to file the Written Statement and contest the Appeal on merits subject to costs of Rs.15,000/- (fifteen thousand only) to be paid by the Petitioner to the Respondent within two weeks from today.

(ii). The statement of the learned Counsel for the Petitioner is recorded that the Petitioner will file the Written Statement within three weeks from today after paying the costs as directed to the Respondent No.1.

(iii) The parties shall appear before the School Tribunal on 12 June 2017 at 11.00 a.m. The Respondent no.1 who is appearing in the Court has been informed of this date of appearance before School Tribunal.

(iv) The Petition is disposed of in the above said terms.

(A.A.SAYED, J.)