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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION STAMP NO. 30342 OF 2017
IN
WRIT PETITION NO. 5451 OF 2015

Sameer Dilip Shiralkar

.. Applicant

Vs.

State of Maharashtra and ors.

.. Respondents

Mr. Akhil Kupade i/by Mr. Manoj Harit and Co. for applicant.

CORAM: NARESH H. PATIL &
A. A. SAYED, JJ.

DECEMBER 18, 2017.

P.C.

1. The applicant has moved this application for following relief:-

a. This Hon'ble court be pleased to recall / modify the order dated 8.1.2016 passed in the Writ Petition No. 5451 of 2015, to the extent and in the manner so as to grant liberty to the Petitioner to approach the Ld. School Tribunal.

In the Alternative:

b. This Hon'ble Court, may be pleased to pass a “speaking to minutes order” to clarify that the liberty to approach the Ld. School Tribunal was inherent in the order;

c. Any other suitable relief to which the Petitioner may be deemed entitled to, be kindly granted in favour of the Petitioner.

2. The applicant challenged his termination order issued to him under communication dated 31/10/2011 by way of Writ Petition No. 5451 of 2015. By a reasoned order dated 8/1/2016, the Writ Petition No. 5451 of 2015 came to be dismissed on merits.

3. Thereafter the applicant filed an appeal along with delay condonation application before the School Tribunal. The Presiding Officer of the School Tribunal, Pune by his order dated 7/10/2016 condoned the delay. The appeal under Section 9 of the MEPS Act, 1977 was finally heard on merits. By judgment and order dated 31/3/2017, the Presiding Officer of the School Tribunal, Pune dismissed the appeal as not maintainable. The operative part of the said judgment reads as under:

“1. The appeal stands dismissed, as not maintainable in view of dismissal of Writ Petition No. 5451 of 2015 by appellant.

2. No order as to costs.”

4. The learned counsel appearing for the applicant submits that against the said judgment and order of the School Tribunal, the applicant preferred Writ Petition bearing Writ Petition Stamp No. 13403 of 2017, which is still pending. By the present Civil Application, the applicant has applied for review / modification of the order passed by this court on

8/1/2016 in Writ Petition No. 5451 of 2015. The learned counsel submits that he was under bonafide impression and belief that this court had granted liberty to approach the School Tribunal.

5. We have perused the record placed before us. The Writ Petition No. 5451 of 2015 was dismissed on merits on 8/1/2016, whereas the appeal was preferred before the School Tribunal on 13/10/2016. The applicant preferred to move this court after filing of writ petition challenging the final judgment and order dated 31/3/2017 passed by the School Tribunal. The applicant had invited order on merits in Writ Petition No.5451 of 2015.

6. In the facts, we are not inclined to review / modify our order dated 8/1/2016. The grounds raised in the application do not commend to us to interfere. There is no merit in the application. Application is accordingly rejected.

(A. A. SAYED J.)

(NARESH H. PATIL,J.)