

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8585 OF 2016

Nitin Dyanoba Deshmukh

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. A.B. Tele, Advocate for petitioner.

Mr. S.G. Karlekar, A.G.P. for respondent – State.

Mr. V.P. Golewar, Advocate for respondent no.4.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 06th DECEMBER, 2018

ORDER :

We have heard Mr. Tele, the learned Counsel for the petitioner, Mr. Golewar, the learned Counsel for Respondent no. 4 and the learned A.G.P.

2. Upon hearing the learned Counsel, it transpired that the petitioner was working in Secondary Ashram School for 8th to 10th standard. It is also submitted that since 2016, the petitioner is not allowed to work. The same would amount to otherwise termination. In such case, the petitioner would have remedy before the School Tribunal.

3. If appeal is filed before the School Tribunal, the School Tribunal will also be entitled to go into the aspect of grant or non-grant of approval as held by the Division Bench of this Court in the case of ***Arti Vitharao Warkhede Vs. Education Officer (Secondary)*** reported in **2011 (1) Bom.C.R. 37**.

4. In light of the above, we dispose of the writ petition with liberty to the petitioner to approach the School Tribunal. In case the petitioner approaches the School Tribunal within six weeks from today, the question of limitation shall not arise. All contentions of the respective parties are kept open. The School Tribunal shall dispose of the appeal in accordance with law expeditiously. As far as the salary of the petitioner from 2007 is concerned, the same would be disputed fact. The petitioner may approach Respondent no.3 for claim of the salary as claimed in the present petition. Respondent no.3, after hearing the petitioner and the management, shall take appropriate decision in that regard.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

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