

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13732 OF 2017

ABASAHEB RAOSAHEB DHAGE
VERSUS
THE SECRETARY SANSKRUTI SAMVARDHAN MANDAL & ORS

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Advocate for Petitioner : Shri Biradar R.D.
Advocate for Respondents 1 & 2 : Shri Kulkarni Sudhir V.
AGP for Respondent 3 : Shri Tambe S.K.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 01, 2018

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PER COURT :-

1. I have heard the learned Advocates for the respective parties along with the learned AGP for respondent No.3.
2. The petitioner has challenged the order dated 15.7.2017, passed by the School Tribunal, by which, the respondent / management was permitted to resile from the departmental enquiry conducted by it and was granted liberty to conduct a fresh enquiry.
3. This Court has not granted any interim protection to the petitioner.
4. It is informed that by order dated 5.1.2018, the petitioner has been inflicted with the punishment of removal from service for proved

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misconducts. Copy of the said order tendered by the learned Advocate for the management is taken on record and marked as Exhibit "X" for identification.

5. Despite the above, I do not find that the impugned order dated 15.7.2017 could be faulted in the light of judgment delivered by this Court in Writ Petition No.9360 of 2013, decided on 20.6.2014, Anant R. Kulkarni Vs. Y.P. Education Society and others [(2013) 6 SCC 515], [2014 (3) Mah.L.J. 535] and in view of the law laid down by the Honourable Apex Court in the cases of Vidya Vikas Mandal and another Vs. Education Officer and others [2007 (3) Mah.L.J. 801].

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6. As such, this petition is disposed off with liberty to the petitioner to assail the fresh order of punishment dated 5.1.2018 before the School Tribunal. If such an appeal is filed, within 30 days from today, the time spent by the petitioner in this Court till the passing of this order and 30 days in addition thereto, shall be a good ground for condonation of delay.

(RAVINDRA V. GHUGE, J.)

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