

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6163 OF 2018

Dr. J.J. Magdum Trust And Others Petitioners
Versus
State of Maharashtra And Others ... Respondents

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Mr. Uday P. Warunjikar for the Petitioners.
Ms. Vaishali Nimbalkar, AGP for the State-Respondent No.1.
Mr. Narendra V. Bandiwadekar for Respondent No.3.

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CORAM : S.C.GUPTE, J.

DATE : 24 JULY 2018

P.C. :

. After the matter is heard at some length, it is agreed between learned Counsel for both sides and accordingly it is ordered that the impugned order of the School Tribunal dated 2 May 2018 is quashed and set aside. Appeal No.61 of 2017 is remanded to the School Tribunal at Kolhapur for a fresh hearing in accordance with law.

2 The Petitioners herein shall be entitled to raise the ground of applicability of Rule 26(2)(ii) of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 to the Petitioners' institution. The Petitioners will be entitled to file additional pleadings in the appeal. The Respondents shall be entitled to respond to such pleadings. All rights and contentions of the parties on merits are kept open.

3 The petition is disposed of.

(S.C. GUPTE, J.)