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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8436 OF 2017

Peoples Educational Association Igatpuri,
Through its Chairman/President & Ors.

...Petitioners

vs

Sri. Valmik Daulat Gayadhani And Anr.

....Respondents

.....

Ms. Pranita Hingmire, for the Petitioners.

Mr. Rakesh R. Singh, for Respondent No.1.

Ms. Vaishali Nimbalkar, AGP, for Respondent No.2.

.....

CORAM : S.C. GUPTE, J.

DATED: JUNE 4, 2018

P.C. :

. Heard learned Counsel for the parties. Rule. Taken up for hearing forthwith by consent of Counsel. The petition challenges an order passed by Presiding Officer, School Tribunal, Nashik. The grievance of the Petitioners is that the notice of the miscellaneous application was not served on the Petitioners and yet the impugned order wrongly records that the notices were served on the Petitioners and despite notice the Petitioners remained absent. Learned Counsel for Respondent No.1 is not in a position to satisfy the Court that the notices of the miscellaneous application were in fact served on the Petitioners. The purported notices addressed to the Petitioners and which are produced along with the petition are notices of the appeal and not the

notices of the miscellaneous application for condonation of delay. In the premises, the impugned order cannot stand and must be quashed and set aside. Rule is made absolute by quashing and setting aside the impugned order and remanding the Miscellaneous Application No.05 of 2016 (Nashik) to the Presiding Officer, School Tribunal, Nashik, for a fresh hearing in accordance with law. The Petitioners waive notice of the miscellaneous application. Both parties to appear before the School Tribunal Nashik on 18 June 2018 at 11 a.m. when the schedule of hearings in the miscellaneous application shall be fixed by the School Tribunal.

(S.C. GUPTE, J.)