

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

WRIT PETITION NO.9223 OF 2017

VASANT DNYANOBA DARADE

VERSUS

THE SECRETARY MAHATMA PHULE GRAMIN SHIKSHAN PRASARAK
MANDAL NANDED AND OTHERS

...

Advocate for the Petitioner : Mr.Vivek Dhage h/f Mr.Patil Ramchandra S.

Advocate for Respondents 1 and 2 : Shri V.D.Salunke

AGP for Respondent 3 : Shri S.R.Yadav

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 07th November, 2019

Per Court:

1 This matter is heard for a considerable time. Both the learned advocates have tendered the synoptical notes of dates, sequence of events and submissions.

2 The petitioner contends that the respondent/ management had issued the order of oral termination dated 02.03.2001, to the petitioner. It is not disputed that this petitioner approached the School Tribunal after approaching this Court in Writ Petition No.522/2008 and after his acquittal in the criminal case by the judgment of the learned Additional Sessions Judge dated 09.03.2011. The petitioner had also filed Writ Petition No.6545/2012 contending that he was orally terminated.

The said writ petition was disposed off by the learned Division Bench of this Court vide the order dated 13.08.2012 allowing the petitioner to avail of the statutory remedy.

3 The petitioner had approached the School Tribunal by preferring Miscellaneous Application No.25/2012 seeking condonation of delay of about 11 years and 08 months in relation to the order dated 02.03.2001, which the petitioner branded as being his oral termination. The respondent/ management has been consistent before this Court in Writ Petition No.6545/2012 and also before the School Tribunal that the petitioner has been terminated from service by a speaking order dated 05.01.2009. By the impugned order dated 16.01.2016, the School Tribunal rightly did not go into the merits of the challenge and dealt with the issue of condonation of delay of about 11 years and 08 months and rejected Miscellaneous Application No.25/2012.

4 The learned advocate for the petitioner submits that the petitioner has now realized that the order of termination is dated 05.01.2009 and he desires to challenge the same before the School Tribunal.

5 The learned advocate for the respondent/ management has strenuously contended that if the petitioner approaches the School Tribunal, it should not be presumed that this Court has granted him liberty. If the petitioner decides to challenge the termination order dated

05.01.2009, the respondent/ management would oppose the same on the point of delay as well as on such grounds as the management may deem appropriate to raise.

6 In view of the above, this Writ Petition need not be entertained and stands disposed off. All contentions of the litigating sides are kept open.

kps

(RAVINDRA V. GHUGE, J.)