

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

WRIT PETITION NO.13589 OF 2019

**RASHTRIYA SAHAKARI SHIKSHAN PRASARAK MANDAL LTD THROUGH
SECETARY AND OTHERS**

VERSUS

PRAKASH SUKDEV PATOLE AND OTHERS

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Advocate for the Petitioners : Shri Wakade Ramesh I.

Advocate for Respondent 1 : Shri Paresh B. Patil

AGP for Respondents 2 and 3 : Shri N.T.Bhagat

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 13th November, 2019

Per Court:

1 On 08.11.2019, the learned advocate for the petitioners/ management submitted, on instructions, that they have realized that the reversion order dated 19.09.2018 should not have been passed without conducting a proper enquiry as per Rules 36 and 37 of the Maharashtra Employees of Private Schools (Condition of Service) Regulation Rules, 1981 (for short, "the M.E.P.S. Rules") against respondent no.1/ original appellant. The petitioners are willing to withdraw the reversion order. The School Tribunal has already protected respondent no.1/ appellant and he is in employment as the Headmaster since the reversion order was stayed.

2 The learned advocate for respondent no.1/ appellant has

sought time to take instructions and he submits today that all the rights of the appellant in law be kept open so as to contest any disciplinary proceeding.

3 In view of the above, this Writ Petition is disposed off by treating the order of reversion dated 19.09.2018 as being recalled by the petitioners/ management. The difference in salary from the date of the reversion till the date of reinstatement of the appellant, if not already paid, shall be paid by the petitioners/ management within thirty days from today, notwithstanding whether, the approval to make the payment is received or not. The appellant shall be treated to be reinstated as the Headmaster w.e.f. 19.09.2018.

4 The petitioners/ management is at liberty to follow the procedure laid down in Rules 36 and 37 of the M.E.P.S. Rules for conducting the disciplinary proceeding against respondent no.1/ appellant. All contentions of the parties in relation thereto are kept open.

5 In view of this order, Appeal No.40/2018 pending before the School Tribunal at Nashik shall stand disposed off as being infructuous.