

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.15280 OF 2017

IN

WRIT PETITION NO.2284 OF 2013

Ashabi Khajamiya Mirza

Applicant

Versus

Navayuvak Shikshan Sanstha

& others

Respondents

Mr.R.P.Adgaonkar advocate for the applicant (A)

Mr.S.W. Munde, AGP for Respondent Nos.5 & 6

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CORAM : **RAVINDRA V. GHUGE, JUDGE**

(Date : 15th March, 2019)

PER COURT :-

1 None appears for respondent Nos.1, 2, 3 and 4.

2 The learned AGP appears on behalf of Respondent Nos.5 and 6.

3 The applicant prays for restoration of Writ Petition No.2284 of 2013.

4 The contention is that, the said petition filed by the Management was disposed off, in view of the compromise terms between the management and the applicant signed on 1.4.2016. The said compromise terms were taken on record and marked as Exhibit 'X' for identification.

5 The grievance raised by the applicant is that the management is not acting upon the compromise. The impugned Judgment of the School Tribunal dated 2.11.2012 delivered in Appeal No.5/2012, granting the relief of reinstatement in service or absorption in the secondary school of the respondent, along with back wages, has merged into the compromise terms. The applicant is remedy-less and hence, she prays for restoration of the writ petition.

6 The learned AGP appearing on behalf of respondent Nos.5 and 6, rightly submits that, the Judgment of the School Tribunal has merged into the compromise and therefore the applicant – original appellant can seek execution of the said terms of compromise, even through the School Tribunal by invoking section 13 of the The Maharashtra Employees of Private Schools (Conditions of Service) Act. (MEPS Act).

7 In view of the above, I do not find that, the instant application needs to be entertained; since the applicant – original appellant would be at liberty to execute the Judgment of the School Tribunal or the compromise deed, as the case may be, by initiating appropriate proceedings for execution of the said orders, under section 13 of the MEPS Act.

8 While dictating this order, the learned Advocate for the applicant submits that the execution proceedings before the

School Tribunal are already initiated. As such, there would be no impediment for the applicant to proceed with the said execution proceedings, as is permissible in law.

**(RAVINDRA V. GHUGE),
JUDGE**

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