

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.7132/2017

Manik Shriram Chaudhari.

Vs.

The Education Officer (Secondary), Zilla Parishad, Bhandara.

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.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

.....
Shri M. K. Kulkarni, Advocate for the petitioner.

Shri. A. S. Fulzele, Additional Government Pleader for the
respondent No.1.

**CORAM : R.K. DESHPANDE &
MILIND N. JADHAV, JJ.**

DATED : 25th NOVEMBER, 2019

. The petitioner who was terminated from service as a Laboratory Assistant approached the School Tribunal under Section 9 of the Maharashtra Employees of Private School (Condition of Service) Regulation Act, 1977. The School Tribunal allowed the Appeal and directed reinstatement with full back wages alongwith all consequential benefits. This order of the School Tribunal was the subject matter of the challenge at the instance of the Management in Writ Petition No.4072 of 2003 before this Court. The learned Single Judge delivered his Judgment on 10.07.2014 and modified the order of the Tribunal. Instead of reinstatement, the learned Single Judge directed payment of compensation equivalent to six months' salary to the petitioner in terms of Section 11(2)(8) of the Maharashtra

Employees of Private School (Condition of Service) Regulation Act, 1977. The said order passed by the learned Single Judge has not been challenged.

2. This petition is filed seeking direction to the respondents to appoint the petitioner and regularise him on the post of Laboratory Assistant. By way of Civil Application No. 3122 of 2019 a prayer is sought to be introduced to challenge the Constitutional validity of provision of Section 11(2) (8) of the said Act.

3. We are of the view that once the order passed by the learned Single Judge has attained finality, it is not permissible for us to alter the effect of the order by entertaining the challenge to the constitutional validity of the said provision.

4. The Writ Petition and Civil Applications are dismissed.

JUDGE

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