

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH NAGPUR

WRIT PETITION NO.6136/2019

Sau Sheela Krishnarao Paropte & Anr.

..VS..

Mrs Rekha Dayanand Pewshe & Anr.

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

Court's or Judge's orders

Shri L. H. Kothari, Advocate for the petitioners
Shri K. L. Dharmadhikari, AGP for the respondent No.2

CORAM : Z.A.HAQ, J.

DATED : 11th September 2019

Heard.

2] Aggrieved by the order issued by the Deputy Director of Education on 22/01/1997 refusing to grant approval to the appointment of petitioner, and consequential action taken by the Management, the respondent No.1/employee had filed Writ Petition No.1223/1997 before this Court praying for various reliefs, one of it being that the Management and the authorities of Education Department should be directed to absorb her in some other institution. The writ petition was admitted and continued to pend before this Court for hearing for 20 years. By order dated 7th April 2017 this Court disposed the writ petition recording that the action of the Management amounted to “otherwise termination” and therefore, the respondent No.1 has remedy under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation

Act, 1977. The Division Bench of this Court disposed the writ petition granting liberty to the respondent No.1/employee to avail alternate remedy. After disposal of the petition, the respondent No.1 has filed appeal before the School Tribunal on 26th July 2017 and as there has been delay in filing the appeal, an application praying for condonation of delay also came to be filed. By the impugned order, Tribunal has condoned the delay.

3] According to the petitioner (Management), apart from the fact that there is delay of more than 20 years, the appeal is not filed within 30 days from disposal of the writ petition i.e. within 30 days from 7th April 2017.

4] To say the least, if the contention of the petitioner is accepted it would amount to aggravating the injustice already done to the respondent No.1/employee whose grievance is not considered by any Court for more than 22 years and in the meantime, she has attained the age of superannuation.

5] In the facts of the case, I am not inclined to exercise extraordinary jurisdiction in the matter.

Hence, the writ petition is **dismissed**. No costs.

The petitioners shall file reply to the appeal on merits before the School Tribunal till 15th November 2019. Whether reply is filed or not, the Tribunal shall decide the appeal till 9th December 2019 and submit report to this Court.

The petitioners shall place copy of this order on the record of the Tribunal within two weeks. The petitioner shall also send copy of this order to the respondent No.1/employee by Speed Post/Registered Post Acknowledgment Due and file affidavit of compliance on record of this petition within two weeks.

JUDGE