

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

WRIT PETITION NO.4773 OF 2019

RAJU GOVIND SHINGADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Dighe Vithal H.
AGP for Respondents : Mr. A B Chate
Advocate for Respondents 3,4 : Mr. Wagh Shirinivas S.

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CORAM : V.K. JADHAV, J.
Dated: February 21, 2020

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PER COURT :-

1. By consent, this writ petition can be disposed off by quashing and setting aside the order passed by the Presiding Officer, School Tribunal, Solapur in Appeal No.72 of 2015 and further remanding the matter to the School Tribunal, Solapur to decide the Appeal on its own merits, by directing the respondents/ Management to file the say/written statement.

2. The petitioner/original appellant has filed Appeal No.72 of 2015 under section 9 of the M.E.P.S. Act challenging his oral termination. It is a matter of record that said appeal has been proceeded ex-parte against

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the respondent nos. 1 and 2. In consequence thereof, the School Tribunal has recorded the finding to both the points in the negative. It is now a part of record of this writ petition that respondent/Management accepts that the petitioner/employee was initially appointed as 'Shikshan Sevak' and after satisfactory completion of the period of 'Shikshan Sevak' of three years, petitioner is appointed as an 'Assistant Teacher' from Reserved Category. Respondent/Management also accepts that the petitioner came to be appointed after following due process. In view of the same, this Court left with no other alternative but to remand the matter to the School Tribunal with directions as stated in the introducing paragraph of this order. Hence, I proceed to pass the following order.

O R D E R

- I. Writ Petition is hereby allowed.
- II. The impugned judgment and order dated 23.2.2018 passed by the Presiding Officer, School Tribunal, Solapur in Appeal No.72 of 2015 is quashed and set aside.

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III. Matter is remanded to the School Tribunal, Solapur with following directions :-

- a] School Tribunal, Solapur shall restore the Appeal No.72 of 2015 on its original position.
 - b] Respondent nos.3]- The President, Shivshankar Vidyaprasarak Sanstha, Jawalebaleshwar, Tq. Sangamner, District Ahmednagar and 4] the Head Master, Shivshankar Vidyalaya, Jawalebaleshwar, Tq. Sangamner, District Ahmednagar are permitted to file their Say/Written Statement before the School Tribunal, Solapur within a period of TWO WEEKS from the date of their appearance before the School Tribunal, Solapur.
3. Parties shall appear before the School Tribunal, on **20.3.2020.**
 4. School Tribunal, Solapur shall decide the said appeal on its own merits afresh, after giving an opportunity of hearing to both the parties.
 5. Writ Petition accordingly disposed off.

(V.K. JADHAV, J.)

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