

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

WRIT PETITION NO. 6940 OF 2020

Vidhya Vinayakrao Sarnayak and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Mr. B. B. Shinde, Advocate for the Petitioners.

Mr. P. S. Patil, Addl. G. P for Respondent Nos. 1 to 3.

Mr. A. V. Patil (Indrale), Advocate for Respondent Nos. 4 to 6.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 04th JANUARY, 2021.

PER COURT:-

. We have heard the learned counsel for the petitioners.

2. The learned counsel for respondent No. 6 raises a preliminary objection that the petitioners are challenging the promotion of respondent No. 6. According to the respondents, the same is supersession.

3. In the light of that, the petitioners would have remedy under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act. In the appeal filed by the petitioners, it would be open for the petitioners also to assail the approval granted to

respondent No. 6 as the same would be collateral relief.

4. In case, the petitioners file appeal within a period of one month from today, then the issue of limitation would not be raised by the respondent Nos. 4 to 6 and the School Tribunal.

5. All contentions of the respective parties are kept open.

6. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.