

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Rajesh V. Chittewan
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Date: 2021.02.26
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WRIT PETITION NO.886 OF 2019

Shekaba M. Pawar

... Petitioner

Versus

Education Officer,
Zilla Parishad Alibaug
And Others

... Respondents

....

Mr. Nitin P. Deshpande for the Petitioner.

Mr. V.M. Mali, AGP for Respondent Nos.1 to 3.

Mr. Narendra V. Bandiwadekar i/b Mr. Vinayak Kumbhar for
Respondent No.5.

....

**CORAM : S.C. GUPTA AND
SURENDRA P. TAVADE, JJ.**

DATE : 8 FEBRUARY 2021

P.C.

. The present petition involves promotion of Respondent No.5 as Head Mistress of the school over the Petitioner, who claims seniority over the former, and approval of such promotion by the Education Authorities. The subject matter of controversy being covered by clause (b) of Section 9(1) of Maharashtra Employees of Private Schools (Conditions of service) Regulation Act, 1977, an appeal lies before the

School Tribunal constituted under Section 8 of that Act. Considering this, learned Counsel for the Petitioner seeks leave to withdraw the present petition and challenge the promotion in an appeal before the tribunal. The petition is dismissed as withdrawn with liberty as prayed. It is agreed between learned Counsel for the parties that so far as grievance of supercession under clause (b) of Section 9(1) is concerned, the time limit of 30 days provided under sub-section (2) does not apply. In any event, time spent for prosecuting the present petition shall be duly considered as time bonafide spent in prosecuting the matter before a wrong forum, whilst considering any laches or delay on the part of the Petitioner by the tribunal.

(SURENDRA P. TAVADE, J)

(S.C. GUPTE, J.)