

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5265 OF 2019

SHAIKH GAYASODDIN ZAHIRODDIN
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Petitioner : Mr. S. S. Thombre
AGP for Respondent Nos.1 to 3: Mrs. R. P. Gaur
Advocate for Respondent Nos. 4 and 5: Mr. H. V. Patil

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CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.

DATED : 28 JUNE 2022.

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P. C. :

The learned counsel for the petitioner states that since after filing of the petition, the petitioner has retired from service. However, his pension proposal was sent in the capacity of an assistant teacher. It is undisputed that the pension has also been sanctioned to the petitioner as an assistant teacher. The claim in the petition is regarding supersession of the petitioner by respondent No.5. The respondent-school is a minority institution.

2. Be that as it may, the learned counsel for the petitioner, on instructions, states that the petitioner shall approach the School Tribunal

as the claim is for the supersession of the petitioner whereunder the remedy is available to the petitioner before the School Tribunal. In that view of the matter, keeping all the rival contentions open, the petition is disposed of.

3. In the event the petitioner seeks condonation of delay in filing the appeal before the School Tribunal, the Tribunal would have due regard to the pendency of this petition from 10 April 2019 till today.

In the circumstances, there shall be no order as to costs.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.

VS Maind/-