

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 REVIEW APPLICATION (CIVIL) NO.18 OF 2020
IN WP/364/2019

Shaikh Hafiz Shaikh Habeeb .. Applicant

Versus

The State of Maharashtra And Others .. Respondents

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Advocate for Applicant : Mr. Vivek J. Dhage
AGP for Respondent / State : Mrs. R.P. Gour
Advocate for Respondent No.2 : Mr. S.R. Dheple
Advocate for Respondent Nos.3 and 4 : Mr. A.M. Karad

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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 25-07-2022

PER COURT :

1. The Writ Petition was preferred by the employee, whose appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 was allowed, but as was directed by the Tribunal 30% of back-wages were not being paid.

2. By the order dated 02.12.2019, this Court had allowed the writ petition and some directions were given in respect of 30% of the back-wages.

3. Learned Advocate Mr. V.J. Dhage points out that in addition, by virtue of prayer clause 'D', the petitioner was even seeking a writ of mandamus directing the respondents to consider if the benefit of time bound promotion scheme could be extended to him. It was a consequential relief, but has remained to be considered while disposing of the writ petition.

4. We have heard both the sides.

5. It does transpire that the prayer for getting a time bound promotion was being claimed as a consequence of the reinstatement. However, eligibility and entitlement of the petitioner to have it will have to be examined by the Management in the light of the Government Resolutions issued from time to time.

6. Once having found that it is a consequential benefit which the petitioner could be entitled to, we feel it appropriate to allow the review application.

7. In addition to the order dated 02.12.2019 in Writ Petition No.364 of 2019, the Writ Petition stands allowed in terms of prayer clause 'D' as well and is disposed of.

8. The Management shall now examine the aspect of the entitlement of the petitioner and if necessary, shall forward the proposal within three months.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)