

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2250 OF 2022

Anil Motiram Rathod, Mauda, Tah Jioti, Dist. Chandrapur

-vs-

Regional Deputy Commissioner, Social Welfare, Nagpur Division Nagpur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Prashant N. Shende, Advocate for petitioner.

Ms S. Jachak, Assistant Government Pleader for respondent No1.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : August 12, 2022

The petitioner was serving on the post of Assistant Teacher at the respondent No.3-school run by respondent No.2-Society. His services were terminated on 30/09/2005 and being aggrieved the petitioner filed appeal before the Social Welfare Officer bearing Appeal No.27/2005. Since that appeal was pending and was not decided, the petitioner has filed this writ petition praying that direction be issued for deciding the said appeal expeditiously.

Today the learned counsel for the petitioner submits that the jurisdiction to entertain the appeal challenging the order of termination lies with the School Tribunal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Services) Regulation Act, 1977. He therefore submits that the aforesaid appeal would be withdrawn and a fresh appeal under Section 9 of the Act of 1977 would be filed.

Accordingly the petitioner is permitted to withdraw the appeal bearing No.27/2005 pending before the Social Welfare Officer and thereafter file a fresh appeal under Section 9 of the

Act of 1977 before the School Tribunal. If this exercise is conducted within one month from today, the appeal shall be considered and decided on its own merits expeditiously.

Writ petition is disposed of accordingly. No costs.

(Urmila Joshi-Phalke, J.)

(A. S. Chandurkar, J.)

Asmita