

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

Writ Petition No. 182 of 2022

[Shri Chandrakant s/o Krishnarao Wandhre ..vs.. Dharampeth Education Society, Meerabai Sancheti
Girls School, Nagpur and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. N. Deshpande, Advocate for the petitioner

CORAM : ROHIT B. DEO, J.

DATED : 30-3-2022

The petitioner is assailing the order dated 12-3-2021 rendered by the School Tribunal, Nagpur whereby the application preferred by the petitioner seeking interim relief is rejected.

2. According to the petitioner, he was working as a Class IV employee and the age of retirement is 60 years. The petitioner claims that since his date of birth is 12-2-1963, he is due to retire on 12-2-2023. The petitioner claims that contrary to the Maharashtra Employees of Private Schools (Conditions of Service) Rules (MEPS Rules), the management is treating the age of retirement as 58 years.

3. The management has taken a stand that the provisions of the MEPS Rules are not applicable *inter alia* since the petitioner was appointed in pre-school centre.

4. The Tribunal noted the settled legal position that ordinarily, it would not be appropriate to direct reinstatement by interim order and further held that till the status of the petitioner is ascertained, no finding can be recorded on the age of retirement.

5. The petitioner is admittedly not in service, since he is treated to have superannuated on 12-2-2021.

6. If the petitioner succeeds in the appeal, he would be compensated and there is no irreparable loss.

7. The petition is dismissed with a request to the Tribunal to expedite the appeal.

JUDGE

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