

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

WRIT PETITION NO.2440/2020 (Corrected)

Husain Khan Lal Khan Pathan

...Versus...

Adv. Sk. Nasir Sk. Nazir and others

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

Court's or Judge's orders

Shri Mohammed Ateeque, Advocate for petitioner
Shri S.M. Vaishnav, Advocate for respondent no.1
Mrs. Shamsi Haider, AGP for respondent nos.2 to 4/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 25/07/2022

1. The petition challenges the order dated 20/03/2020, passed by the learned School Tribunal, whereby an application under Section 11 (3) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short, "the MEPS Act" hereinafter) has been partly allowed by holding that the respondent no.1 is liable to pay full back-salary to the petitioner from 22.08.2007 to 30.09.2010 and the Deputy Director of Education is directed to calculate the exact salary amount and further to instruct the respondent no.3 or respondent no.4 to deduct the calculated amount from the grants due and payable to the respondent no.1.

2. In *Savitri Pushpashil Patel Vs. President, Shri Ganesh Shikshan Sanstha, Bhandara and others, 2022 (3) Mh.LJ. 349*, the Full Bench of this Court has held that an independent application under Section 11 (3) of the MEPS Act is not maintainable, considering which, the impugned order is hereby quashed and set aside and the application under Section 11 (3) of the MEPS Act filed by the present petitioner is hereby dismissed.

3. Needless to mention that in case the parties have any appropriate remedy available in law, the same would be permissible to be invoked by them, if permissible in law.

4. The writ petition is disposed of accordingly.
No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar