

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

WRIT PETITION NO.8270 OF 2019

PETITIONERS : **1.** Parwa Education Society,
(Original Respondent) Through its Secretary Jawahar s/o
Trimbakrao Deshmukh, r/o at Post
Parwa, Tq. Ghatanji, Dist. Yavatmal

2. Head Master,
Abasaheb Deshmukh Parwekar
Prathmik Ashram Shala, Pahapal,
At Post Pahapal, Tq. Ghatanji, Dist.
Yavatmal

--VERSUS--

RESPONDENTS : **1.** Suresh s/o Govindrao Bhure,
(Original Appellant) Aged about 55 years, Occ.
Agriculturist, r/o At Post
Yerandgaon, Tq. Ghatanji, Dist.
Yavatmal

2. The Project Officer,
The Integrated Tribal Development
Project, Pandharkawada, Tq.
Kelapur, Dist. Yavatmal

3. State of Maharashtra,
through Tribal Development
Department, Mumbai.

WITH

WRIT PETITION NO.2571 OF 2021

PETITIONER : Ganesh Sakharam Chauhan,
Aged 42 Years, Occupation-Nil,
R/O. Sarangapur Ward No.5, Post-
Jivti, Tah-Jivti, Dist-Chandrapur.

--VERSUS--

- RESPONDENTS** : **1.** Shri. Lalbahadur Shastri Shikshan Prasarak Mandal, Digras, Khurd Tanda, Tah-Kandhar, Dist-Nanded, through its Secretary.
- 2.** Sanjya Gandhi Prathamik Ashram Shala, Nagrala (ma), Tah-Jivati, Dist-Chadrapur, through its Headmistress.
- 3.** Specil District Social Welfare Officer, Chandrapur.

Ms. R. Bajaj, Advocate for the Petitioners
 Shri. V. A. Kothale, Advocate for Respondent No.1
 Shri. K. L. Dharmadhikari, AGP for Respondent No.3 } In WP No.8270 of 2019.

Shri. P. N. Shende, Advocate for Petitioner
 Shri. A. P. Thakare, Advocate for Respondent Nos.1 and 2
 Shri. K. L. Dharmadhikari, AGP for Respondent No.3. } In WP No.2571 of 2021.

CORAM : **MANISH PITALE, J.**

DATE : **28th MARCH, 2022.**

ORAL JUDGMENT

RULE. Rule is made returnable forthwith. Heard finally with the consent of learned Counsel for the rival parties.

2. By these two petitions, orders passed by the School Tribunal are made subject matter of challenge. The question that arises for consideration is, as to whether the employees in these petitions were entitled to invoke the provisions of the Maharashtra Education Private Schools (Conditions of Service) Regulation Act, 1977 and Rules, 1981 framed

thereunder (for short, “the MEPS Act and Rules”) to approach the School Tribunal to ventilate their grievances. In Writ Petition No.8270 of 2019, the employee is the Respondent No.1, while in Writ Petition No.2571 of 2021, the employee is the Petitioner.

3. Before dealing with the impugned orders passed in these two petitions, it would be necessary to briefly refer to the facts pertaining to these petitions.

4. In Writ Petition No.8270 of 2019, the Respondent No.1 claimed that his services were otherwise terminated by the Petitioner/Management, as far back as in the year 2001. Being aggrieved by the action of the Management, the Respondent No.1 had filed an appeal before the School Tribunal under the provisions of the MEPS Act and Rules. On 12.10.2001, the School Tribunal held that it had no jurisdiction to entertain the appeal in terms of the law laid down by the Full Bench of this Court in the case of **Suryakant Sheshrao Panchal .Vs. Vasantrao Naik Vimukta Jati, Bhatakya Jamati Aadarsh Prasarak Mandal and Ors., 2002(3) Mh.L.J. 659**, wherein it was held that the employees of Ashram Schools at the primary level could not avail the remedy of filing an appeal under

the MEPS Act and Rules. Hence, the Respondent No.1 was constrained to approach the Tribal Commissioner under the Tribal Development and Social Welfare Department to raise his grievance. The Tribal Commissioner granted relief of reinstatement to the Respondent No.1, without back wages. On a challenge raised to the same, before this Court, the matter was remanded to the Tribal Commissioner, who in the second round granted relief of reinstatement with back wages.

5. The said order of the Tribal Commissioner was challenged by the Petitioner/Management by filing Writ Petition No.5105 of 2017. The said petition was disposed of by an order dated 04.09.2017, wherein the Respondent No.1/Employee agreed for the order of the Tribal Commissioner to be set aside, with permission to avail remedy that may be available in law, including filing suit before the appropriate Civil Court. Thereafter, the Respondent No.1 filed an appeal alongwith application for condonation of delay before the School Tribunal in view of the change in law in the backdrop of enactment of the Right to Education Act, 2009 and framing of the Maharashtra Right of Children to Free and Compulsory Education Rules, 2011 (in short, "Maharashtra Rules"). The Petitioner/

Management again raised preliminary objection regarding maintainability of the appeal under the MEPS Act and Rules by filing an application. The Tribunal considered the contentions raised on behalf of rival parties and held that in view of change in law and the law laid down by the Division Bench of this Court in the case of **Latika Rajaram Mane .Vs. State of Maharashtra and Others, 2013(4) Mh.L.J. 244**, the appeal filed by Respondent No.1 was maintainable under Section 24(3) of the Right to Education Act read with Rule 20 of the Maharashtra Rules framed thereunder. Accordingly, the application filed by the Petitioner/Management was dismissed. The Petitioner/Management has filed Writ Petition No.8270 of 2019, challenging the impugned order passed by the Tribunal.

6. In Writ Petition No.2571 of 2021, the service of the Petitioner was terminated in the year 2008 on charges of moral turpitude. There was a criminal case instituted against the Petitioner, wherein he was acquitted by the Sessions Court and the order of acquittal was confirmed by this Court. In the backdrop of the acquittal of the Petitioner being confirmed by this Court, the Respondent No.3 i.e. Special District Social Welfare Officer, Chandrapur directed the Respondent No.1/Management to take action in respect

of the service of the Petitioner, in the light of his acquittal. As the Respondent No.1/Management failed to take any action in that regard, in the year 2017, the Petitioner filed an appeal before the Tribunal with an application for condonation of delay. The Respondent No.1/Management filed an application raising preliminary objection as regards maintainability of the appeal. The Tribunal relied upon the aforesaid Full Bench judgment of this Court in the case of *Suryakant Sheshrao Panchal .Vs. Vasantrao Naik Vimukta Jati* (supra) and held that the appeal could not be entertained. The Tribunal allowed the application and upheld the preliminary objection. The Petitioner has challenged the said order passed by the Tribunal.

7. In both these petitions, although in one the Petitioner is the Management and in the other the employee is the Petitioner, a common question arises for consideration before this Court. The impugned order passed in Writ Petition No.2571 of 2021, on the face it, appears to be erroneous because it does not take into consideration the change in law after the Full Bench Judgment of this Court in the case of *Suryakant Sheshrao Panchal .Vs. Vasantrao Naik Vimukta Jati* (supra), which was in fact taken into consideration by the Division Bench of this Court in the

case of *Latika Rajaram Mane .Vs. State of Maharashtra and Ors.* (supra). Therefore, in the absence of any discussion on the change in law, in view of enactment of the Right to Education Act and framing of the Maharashtra Rules thereunder, the reasoning of the Tribunal is found to be erroneous. Nonetheless, in view of the specific contention raised on behalf of the Management in Writ Petition No.2571 of 2021, as also in Writ Petition No.8270 of 2019, it needs to be examined whether the observations made by the Division Bench of this Court in the case of *Latika Rajaram Mane .Vs. State of Maharashtra and Ors.* (supra) in the light of change in position of law would necessarily accrue to the benefit of the employees or that the Managements are entitled to claim that since the Schools in these two petitions are Ashram Schools at the primary level, which are under the control of the Tribal Development and Social Welfare Department and not the School Education Department, the facts are distinguishable and that the appeals filed by the employees before the Tribunal were not maintainable.

8. In Writ Petition No.8270 of 2019, Ms. Radhika Bajaj, learned Counsel for the Petitioners, submitted that even if the position of law laid down in *Latika Rajaram Mane .Vs.*

State of Maharashtra and Ors. (supra) is to be taken into consideration, since the said judgment pertained to a School governed by the Bombay Primary Education Act, 1947 and the School in the present case is an Ashram School concerning the primary level, under the control of the Tribal Development and Social Welfare Department, the law laid down therein would not necessarily apply to the present case. It is submitted that under various notifications and resolutions of the Tribal Development and Social Welfare Department, there is a proper forum provided to the employees of Ashram Schools pertaining to the primary level for redressal of their grievance, and therefore, notwithstanding the enactment of the Right to Education Act and framing of the Maharashtra Rules thereunder, the employees of such Schools would not be entitled to approach the School Tribunal under Section 9 of the MEPS Act and Rules. It is submitted that this distinction on facts needs to be appreciated, before applying the judgment of the Division Bench of this Court in the Case of *Latika Rajaram Mane .Vs. State of Maharashtra and Ors.* (supra), followed by the learned Single Judge of this Court in the case of **Shri Hansh Shikshan Krida and Vayam Prasarak Mandal and Anr. .Vs. Laxman Maroti Raut** (judgment and order dated 21.09.2020 passed in Writ

Petition No.3330 of 2019). On this basis, it is submitted that the impugned order passed by the Tribunal deserves to be set aside and it needs to be held that the appeal filed by Respondent No.1 cannot be entertained by the Tribunal.

9. On the other hand, Shri. V. A. Kothale, learned Counsel appearing for Respondent No.1/employee submitted that in the present case, the Respondent No.1 has been running from pillar to post from the year 2001 for redressal of his grievances. Although at one stage, his grievance was redressed fully by one forum, as on today he has not enjoyed the fruits of the order passed in his favour, only because the matter has been moving back and forth between different fora, only on the question of jurisdiction. It is further submitted that in the impugned order, the Tribunal has correctly analyzed the position of law as it now stands pursuant to enactment of the Right to Education Act and the Maharashtra Rules framed thereunder. It is submitted that the distinction sought to be made on behalf of the Petitioner/Management is an artificial distinction, for the reason that the Ashram School at the primary level is recognized by a Department of the State and admittedly, it is an aided School, which is enough for the purposes of the Right to Education Act and the Maharashtra Rules framed

thereunder. On this basis, it is submitted that the writ petition deserves to be dismissed.

10. In Writ Petition No.2571 of 2021, Shri. P. N. Shende, learned Counsel appearing for the Petitioner submits that the Tribunal has obviously committed an error, for the reason that the change in law has not been appreciated. Applying the provisions of the Right to Education Act and the Maharashtra Rules framed thereunder, in light of the judgment of the Division Bench of this Court in the case of *Latika Rajaram Mane .Vs. State of Maharashtra and Ors.* (supra), the impugned order deserves to be set aside and the Tribunal must entertain the appeal and dispose of the same expeditiously.

11. On the other hand, Shri. A. P. Thakare, the learned Counsel appearing for the Respondent Nos.1 and 2 submitted that the impugned order does not deserve interference for the reason that the change in law brought about by the Right to Education Act and the Maharashtra Rules framed thereunder would not apply to the School in the present case. It is submitted that even in the case of *Latika Rajaram Mane .Vs. State of Maharashtra and Ors.* (supra), in paragraph nos.17 and 18, the Division Bench of

this Court observed that Rules pertaining to the conditions of the service of primary teachers were yet to be framed under the Right to Education Act. In that light, a clarification was given to the effect that the case remanded in the said petition was to await formulation of Rules governing the service conditions by the State Government. It was submitted that thereafter, certain notifications were issued by the State Government concerning employees of Ashram Schools at primary level and that therefore, it was evident that the change in law could not accrue to the benefit of the Petitioner. On this basis, it was submitted that the writ petition deserved to be dismissed.

12. Heard learned Counsel for the rival parties and perused the material on record. In view of the specific contentions raised on behalf of the rival parties, it needs to be examined as to whether the Managements in these petitions are justified in contending that a distinction needs to be made in so far as Ashram Schools at the primary level are concerned, as regards change in law manifested by enactment of the Right to Education Act and framing of the Maharashtra Rules thereunder. According to the Managements before this Court, the provisions of the Right to Education Act, particularly Section 24(3) read with Rule

20 of the Maharashtra Rules would not apply to Ashram Schools at the primary level as they are governed by the Tribal Development and Social Welfare Department and not the School Education Department.

13. Before dealing with the contention raised on behalf of the rival parties for considering the aforesaid question, it would be relevant to refer to the position of law that held the field before the Right to Education Act was enacted and the Maharashtra Rules were framed thereunder. It is an undisputed position that a Full Bench of this Court in *Suryakant Sheshrao Panchal .Vs. Vasantrao Naik Vimukta Jati* (supra) held that Ashram Schools at the primary level could not be covered under the provisions of the MEPS Act and the Rules, in so far as the grievance redressal mechanism for the employees was concerned. It was held that the employees of such schools were not entitled to file appeals before the School Tribunal under Section 9 of the MEPS Act and Rules. There is no dispute about the fact that the Hon'ble Supreme Court confirmed the said position of law in the case of **Dagdu .Vs. President, Anandrao Naik Shiksha Prasarak Mandal and Ors., 2006 (9) SCC 789.** This position was later reaffirmed in the case of **Komal Rugwani .Vs. State of Maharashtra and Ors., 2011(4)**

Mh.L.J., 301.

14. When the question arose as to whether enactment of the Right to Education Act and the Maharashtra Rules framed thereunder had materially altered the position of law as laid down in the case of *Suryakant Sheshrao Panchal .Vs. Vasantrao Naik Vimukta Jati* (supra) by Full Bench of this Court and confirmed by the Hon'ble Supreme Court in the case of *Dagdu .Vs. President, Anandrao Naik Shiksha Prasarak Mandal and Ors.* (supra), in the case of *Latika Rajaram Mane .Vs. State of Maharashtra and Ors.* (supra), a Division Bench of this Court considered the provisions of the Right to Education Act and the Maharashtra Rules framed thereunder. Specific reference was made to Rule 20 of the Maharashtra Rules which reads as follows:

20. Grievance Redressal Mechanism for teachers.

(1) A teacher or employee of a school other than a school run by Government or Local Authority, who is aggrieved by any of the decisions of the management regarding his or her service conditions or a teacher or an employee,-

(a) Who is dismissed or removed or whose services are otherwise terminated or who is reduced in rank, by the order passed by the management; or

(b) Who is, superseded by the management, while making an appointment to any post by promotion and shall have a right of appeal and may appeal against such order or supersession to the tribunal constituted under Section 8 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.

(2) The appeals so preferred shall be governed by the provisions of Sections 8, 9, 10, 11, 12, 13 and 14 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and the Rules 39 and 43 of the Maharashtra Employees of Private School (Conditions of Service) Rules, 1981.

15. Upon considering the effect of the said enactment and the consequent change in position of law, the Division Bench of this Court in the case of *Latika Rajaram Mane .Vs. State of Maharashtra and Ors.* (supra), in para 14 held as follows:

“14. The judgment of the Full Bench of this Court in **Komal Rugwani's** case considered the position in law as it obtained prior to the enforcement of the Right to Education Act which was enacted by Parliament and the Rules which were framed by the State Government. Under the MEPS Act, 1977, a right of appeal under Section 9(1) is provided to employees of private schools.

In order to be a private school, a school has to be recognized by one of the authorities specified in Section 2(21). Since primary schools governed by the Bombay Primary Education Act, 1947 were not recognized by the Director, the Divisional Board or the State Board, primary schools were not recognized schools within the meaning of the MEPS Act, 1977. As we have noted, the expression "private school" is defined in Section 2(20) to mean a recognized school established or administered by a management other than by the Government or local authority. Unless a school is recognized by one of the authorities prescribed by Section 2(21), it did not meet the definition of the expression "private school" with the result that employees of primary schools were deprived of a remedy of an appeal under Section 9. This position held the field as noted in the judgment of the Full Bench in **Komal Rugwani's** case. The framing of the Rules under the Right to Education Act by the State Government has fundamentally altered the situation. The forum of the School Tribunals is now provided to employees of primary schools in the State of Maharashtra who are aggrieved by any of the decision of the management regarding their conditions of service and in regard to the matters referred to in Rule 20. As a consequence of the notification of the Rules framed by the State Government in exercise of the power conferred under the Right to Education Act, there has been a fundamental change in the position in law as it obtained prior thereto. The position in law which held the field prior to the framing of the Rules under the Right to Education Act, has now been materially altered as a result of which a right of appeal is provided to teachers of primary schools in respect of decisions falling within the purview of Rule 20."

On this basis, it was held that in view of the change in position of law, employees of Schools that were governed by the Bombay Primary Education Act, 1947 and for whom redressal of grievances was held not to be available under the MEPS Act and Rules, could now maintain appeals before the School Tribunal under the MEPS Act and Rules.

16. Thereafter, a learned Single Judge of this Court in the case of *Shri Hansh Shikshan Krida and Vayam Prasarak Mandal and Anr. .Vs. Laxman Maroti Raut and Anr.* (supra) followed the said position of law and specifically held in the context of Ashram Schools at the primary level that the employees of such schools were entitled to file appeals before the School Tribunal under Section 9 of the MEPS Act and Rules. The learned Single Judge of this Court in the aforesaid judgment considered the change in position of law, as noted by the Division Bench of this Court in the case of *Latika Rajaram Mane .Vs. State of Maharashtra and Ors.* (supra).

17. It was the endeavour on the part of the learned Counsel appearing for the Managements in these two petitions before this Court to convince this Court that in the aforesaid judgment in *Shri Hansh Shikshan Krida and*

Vayam Prasarak Mandal and Anr. .Vs. Laxman Maroti Raut and Anr. (supra), it was not brought to the notice of the learned Single Judge of this Court that Ashram Schools at the primary level are recognized and under the control of the Tribal Development and Social Welfare Department, as distinguished from the School Education Department. Much emphasis was placed on the definition of the term “School” in Section 2(n) of the Right to Education Act, to contend that under the said definition the Schools were recognized by the School Education Department as distinguished from the Tribal Development and Social Welfare Department.

18. In order to appreciate the aforesaid contention raised on the part of the Management before this Court, a reference to the definition of “School” under the Right to Education Act becomes necessary. It reads as follows:

2.Definitions.- In this Act, unless the context otherwise requires,-

(a)

(b)

(c)

(n) “school” means any recognised school imparting elementary education and includes-

(i) a school established, owned or controlled by the appropriate Government or a local authority;

- (ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;
- (iii) a school belonging to specified category; and
- (iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;

19. Rule 20 of the Maharashtra Rules framed under the Right to Education Act has been already quoted herein above. The said Rules have been framed under Section 24(3) of the Right to Education Act, which reads thus:

24. Duties of teachers and redressal of grievances.

- (1) A teacher appointed under sub-section (1) of Section 23 shall perform the following duties, namely :-
 - (a) maintain regularity and punctuality in attending school;
 - (b) conduct and complete the curriculum in accordance with the provisions of sub-section (2) of section 29;
 - (c) complete entire curriculum within the specified time;
 - (d) assess the learning ability of each child and accordingly supplement additional instructions, if any, as required;
 - (e) hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn,

progress made in learning and any other relevant information about the child; and
(f) perform such other duties as may be prescribed.

(2) A teacher committing default in performance of duties specified in sub-section (1), shall be liable to disciplinary action under the service rules applicable to him or her:

Provided that before taking such disciplinary action, reasonable opportunity of being heard shall be afforded to such teacher.

(3) The grievances, if any, of the teacher shall be redressed in such manner as may be prescribed.

20. In the case of *Latika Rajaram Mane .Vs. State of Maharashtra and Ors.* (supra), the Division Bench of this Court took into consideration the said change in law i.e. enactment of the Right to Education Act and framing of the Maharashtra Rules in the year 2011, on the question as to which forum would be available for teachers of Schools in the State of Maharashtra for redressal of their grievances. After taking into consideration the position of law prior to enactment of the Right to Education Act, the Division Bench of this Court specifically held in the above quoted paragraph 14 that there had been a fundamental change in the position of law, which had materially altered the availability of forum for raising grievances for employees of

Schools in the State of Maharashtra. It was emphatically held that the employees of Schools who were earlier required to approach the forum available under other enactments, including the Bombay Primary Education Act 1947, for redressal of their grievances, could certainly approach the School Tribunal under Section 9 of the MEPS Act and Rules. In paragraphs 17 and 18 of the said judgment in the case of *Latika Rajaram Mane .Vs. State of Maharashtra and Ors.* (supra), the Division Bench of this Court recorded the submission made on behalf of the State by the learned Advocate General to the effect that the Education Department was in the process of preparing Rules under the Right to Education Act and the Rules regarding conditions of service of primary school teachers. In that backdrop, the Division Bench of this Court clarified that the School Tribunal, upon the matter being remanded, would defer the hearing for a period of three months, so that the Tribunal could be apprised about formulation Rules governing service conditions. Much emphasis was placed on this aspect of the matter on behalf of the Respondent Nos.1 and 2 in Writ Petition No.2571 of 2021, to contend that since subsequently there were notifications and resolutions issued by the State, the forum for raising grievances for the employees of the Ashram School at the

primary level could not be the School Tribunal under the MEPS Act and Rules.

21. This Court is not impressed with the submission at all for the reason that in the first place the Rules to which reference was made by the learned Advocate General for the State in the Case of *Latika Rajaram Mane .Vs. State of Maharashtra and Ors.* (supra), pertained to conditions of service of primary teachers. These Rules would have to be framed under the Right to Education Act as stated on behalf of the State Government itself. Nothing was brought to notice of this Court that the State Government has made any effort to frame Rules under the Right to Education Act, like the Rules of the year 2011 framed under the said Act providing for a specific forum for raising grievances i.e. School Tribunal under Section 9 of the MEPS Act and Rules. Merely because notifications and resolutions in the form of executive instructions were issued by the State Government, would not mean that it would lie in the mouth of the Management that the appeal filed by an employee under Section 9 of the MEPS Act and Rules was not maintainable.

22. This Court is of the opinion that the change in law pursuant to enactment of the Right to Education Act and framing of the Maharashtra Rules in the year 2011, read with the interpretation of the same given by the Division Bench of this Court in the case of *Latika Rajaram Mane .Vs. State of Maharashtra and Ors.* (supra) holds the field and the employees of Ashram Schools pertaining to the primary level are certainly entitled to file appeals before the School Tribunal constituted under the MEPS Act and Rules.

23. In so far as specific contention raised on behalf of the Petitioner/Management in Writ Petition No.8270 of 2019, that the Ashram Schools at the primary level are governed by the Tribal Development and Social Welfare Department as opposed to the School Education Department, and therefore, a distinction can be carved out in so far as employees of such Schools are concerned, suffice it to say that the definition of School given in Section 2(n) of the Right to Education Act, demonstrates that a School recognized and aided by the Government is clearly amenable to the provisions of the said Act and the Rules framed thereunder. This Court is of the opinion that the distinction sought to be made on behalf of the Management is not tenable, for the reason that even if the

School is recognized by and it is under the control of the Tribal Development and Social Welfare Department as opposed to the School Education Department, it continues to be a School recognized by the State and admittedly, it is receiving 100% aid from the State Government. A perusal of the above quoted definition of the term "School" under Section 2(n) of the Right to Education Act demonstrates that the Ashram Schools at the primary level would certainly be covered under the said definition and consequently the Maharashtra Rules framed in the year 2011 under the provisions of the said Act would apply in full force to such Schools.

24. There is no substance in the contention raised on behalf of the Petitioners that since the learned Single Judge, who rendered the judgment in the case of *Shri Hansh Shikshan Krida and Vayam Prasarak Mandal and Anr. .Vs. Laxman Maroti Raut and Anr.* (supra), was not made aware about the aforesaid distinction, the position of law laid down therein could be said to be erroneous and that the Ashram Schools at the primary level are not covered under the Right to Education Act and the Rules framed thereunder. This Court sees no reason for taking a different view in the matter.

25. In view of the above, the common question that arises in these two petitions is answered in favour of the employees. Accordingly, Writ Petition No.8270 of 2019 is dismissed and the order of the School Tribunal is confirmed. For the same reasons, Writ Petition No.2571 of 2021 is allowed. The impugned order dated 26.04.2019, passed by the School Tribunal is quashed and set aside and it is held that the application and appeal filed by the Petitioner therein are maintainable before the School Tribunal. Rule is discharged in Writ Petition No.8270 of 2019 and it is made absolute in Writ Petition No.2571 of 2021.

26. As a consequence, the Tribunal in both these cases shall now proceed further in the matters. Considering the fact that in both these cases the services of the employees were terminated many years ago, it would be in the interest of justice that the proceedings before the Tribunal are expedited. Accordingly, the School Tribunal is directed in both these cases to take up the applications for condonation of delay and the appeals for consideration expeditiously, in accordance with law.

JUDGE

TAMBE

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by ASHISH
ASHOKRAO
TAMBE
Date: 2022.03.31
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