

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

30 WRIT PETITION NO.4150 OF 2023

DEVIDAS MOTIRAM PADMOR
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Anudeep Dilip Sonar.
AGP for Respondent/State : Mr. S. P. Tiwari.
...

CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 17th April, 2023.

Per Court:

1. The Petitioner has been terminated from service by the management on 3rd May, 2021. The management is not arrayed as a respondent. Nevertheless, the Petitioner has a remedy of approaching the School Tribunal under Section 9 of the MEPS Act, 1977.
2. The learned Advocate for the Petitioner submits that after his termination dated 3rd May, 2021, he moved a representation to the Education Officer (Secondary) dated 14th June, 2021. Since then, nothing has moved though reminders are forwarded.
3. We are of the view that the Petitioner has taken recourse to a remedy, which is non-existent in law. He has approached a wrong

office. Section 5 of the Limitation Act, though not strictly applicable in view of the limitation provision under Section 9(3) of the Act, can be pressed into service.

4. In view of the above, the learned Advocate for the Petitioner submits that the Petitioner would avail of the remedy under Section 9.

5. Without expressing any opinion as regards the delay aspect, **this Petition is disposed off**, as the Petitioner desires to avail of the statutory remedy. The time spent by the Petitioner in this Court from 24th March, 2023 till the passing of this order, may be cited as one of the grounds for delay.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]