

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7700 OF 2019

Sou. Sunanda Suresh Survase ...Petitioner
Versus
Shrikrushna Shikshan Prasarak Mandal and Ors. ...Respondents

- Mr. Prashant Bhavake, for the Petitioner.
- Mr. P.P. Vanarase, AGP, for the Respondent Nos.3 and 4 - State.

**CORAM : MADHAV J. JAMDAR, J.
DATE : 29th AUGUST 2023**

P.C.:

1. Heard Mr. Bhavake, learned counsel appearing for the Petitioner and Mr. Vanarase, learned AGP appearing for the Respondent Nos.3 and 4.
2. The impugned order in the present Petition is order dated 27th June 2019 passed by the learned Presiding Officer, School Tribunal, Mumbai below Exh. 13 in Appeal No.4 of 2019. By the impugned order, said Exh.13 filed by the Respondent Nos.1 and 2 i.e. the Management and the School raising objection to the jurisdiction of the Tribunal was allowed by holding that the appeal is not maintainable under section 11(1) read with section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short “M.E.P.S. Act”).

3. Mr. Bhavake, learned counsel appearing for the Petitioner states that the impugned order in the Appeal before the learned School Tribunal was declaring the Petitioner as surplus. However, he states that the Petitioner has now been superannuated and therefore, the Petition has become infructuous. Accordingly, Writ Petition is disposed of as it has become infructuous.

[MADHAV J. JAMDAR, J.]