

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

**WRIT PETITION NO.939/2021**

**Shri Vasant Naik Shikshan Sanstha, Vasant Nagar through its President**  
**Pandurang Chokhala Rathod and another**  
**...Versus...**  
**Sushil Bhimrao Pimple and others**

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

Shri B.G. Kulkarni, Advocate for petitioners  
Shri S.A. Radke Advocate h/f Shri S.U. Ghude, Advocate for respondent no.1  
Mrs. M.A. Barabde, AGP for respondent nos.2 and 3

**CORAM : AVINASH G. GHAROTE, J.**

**DATE : 16/03/2023**

1. Shri B.G. Kulkarni, learned counsel for the petitioners submits that the application under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short, "the MEPS Act", hereinafter) itself is not tenable as the petitioner no.2 is primary school and therefore not amenable to the jurisdiction of the School Tribunal under Section 9 of the MEPS Act. He, therefore, upon instructions, seeks to withdraw the petition with liberty to raise the issue regarding non-maintainability of the appeal under Section 9 of the MEPS Act as a preliminary issue before the Tribunal.

2. The statement is accepted. The writ petition is dismissed as withdrawn with liberty as prayed for. No order as to costs.

**(AVINASH G. GHAROTE, J.)**

Wadkar