



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

CRIMINAL WRIT PETITION NO.480/2023

Sudam Namdeo Khandare .vs. Baban Pundlik Ingle

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

Court's or Judge's orders

Mr. S. Bhende, Advocate for petitioner.

Mr. T. D. Mandlekar, Advocate for respondent.

CORAM : ANIL L. PANSARE, J.

DATE : 04.09.2023

Heard.

The petitioner is the President of the Society. By order dated 23.06.2023, learned Sessions Court, Washim in Criminal Revision No.34/2022, dismissed the revision filed by the petitioner to set aside order of issuance of process dated 21.05.2022 passed by learned Judicial Magistrate First Class, Risod in Criminal Case No.73/2022.

The respondent-employee of the society run by the petitioner had challenged his termination before the School Tribunal. The Tribunal vide order dated 24.11.2017 has partly allowed the appeal filed by the respondent. The School Tribunal has quashed and set aside the termination order dated 28.05.2018. The respondent therein (present petitioner) was directed to reinstate the appellant therein (respondent herein) as Head Master within 30 days. By operative clause (8), the School Tribunal has put a condition that if the management fails to reinstate the employee within 30

days then the employee would be entitled for full salary from 24.12.2018.

The emphasis of the respondent is on the directions-cum-stipulations made in the operative part no.8. It appears that subsequent to passing of the order by the School Tribunal, the respondent was reinstated but again suspended. The respondent, however, was reinstated after 30 days.

If that be so, the contentions of the petitioner that the complaint under Section 13 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, is not maintainable, is without any substance. The fact remains that the operative order (8) was not complied with. Whether the management has reasonable excuse or not to comply with any direction issued by the tribunal is something that would be considered by the learned Magistrate. However, issuance of the process, in the facts and circumstance of the case, is fully justified.

Having said so, I am not inclined to interfere under Article 227 of the Constitution of India with the concurrent findings rendered by the Courts below.

The writ petition is dismissed. However, all points raised in the petition are kept open.

(Anil L. Pansare, J.)