



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

WRIT PETITION NO. 4195 OF 2016

**RAOSAHEB HANUMANTRAO KUNKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for the Petitioner : Mr. Patnurkar V.D.

AGP for Respondents/State: Mr. A.S. Shinde

Advocate for Respondent No.3 : Mr. Pulkundwar Santosh B.

Advocate for Respondent No.4 & 5 : Mr. Suryawanshi Avinash

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**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 18th NOVEMBER 2024

PER COURT :

. This petition is directed against the order dated 28.10.2015 passed by the respondent no.3/Education Officer (Primary), Nanded, rejecting the proposal of the petitioner.

2. After hearing the matter for sometime, it revealed from record that the petitioner is not in service since 2013-2014. The respondents/management has also filed affidavit-in-reply and raised the preliminary objection to that effect. Learned Counsel for the petitioner on instructions, states that there is a cause for petitioner to file appeal against otherwise termination and his client is ready to prefer the appeal before the Tribunal. In that view of the matter, this petition can be disposed of, granting liberty to the petitioner to approach School Tribunal under Section 9 of M.E.P.S. Act.

3. The writ petition is disposed of with a liberty to the petitioner to approach the Tribunal under Section 9 of the M.E.P.S. Act or to avail any other remedy as permissible in law. The time consumed in this petition can be taken into consideration by the Tribunal while considering the application for condonation of delay.

4. It is clarified that we have not expressed any opinion on merits. All points are kept open.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

Najeeb..