

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

WRIT PETITION NO. 1203 OF 2018

Mrs.Maheshwari Reena ... Petitioner

versus

The State of Maharashtra and Others ... Respondents

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Mr.Narendra V. Bandiwadekar, Senior Advocate with Mr.Vinayak Kumbhar, Mr.Rajendra B. Khaire and Mr. Aniket S. Phapale i/b. Mr. Sagar Mane for the Petitioner.

Ms.S.S.Bhende, AGP for Respondent No. 1-State.

Mr.Arvind Kothari for Respondent Nos. 2 and 3 (through VC).

Ms.Aparajita R. Jha i/b. Mr.Rahul Kamerkar for Respondent No.4.

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**CORAM : NITIN JAMDAR AND
M.M.SATHAYE, JJ.**

DATE : 8 MAY 2024

P.C. :

. The learned Senior Advocate for the Petitioner states that the Petitioner was working with the Respondent – CBSE School and therefore, the age of retirement cannot be 58. The stand of the Petitioner is that the Respondent - School is not a ‘School’ as defined under the Maharashtra Employees of Private Schools (Conditions of Service) Regulations Act, 1977 (the Act of 1977), the Petitioner

cannot approach the School Tribunal. However, since it is the Petitioner's case that the Respondent -School is a CBSE School, as per the Rules framed under the Right to Education Act, 2009, even for the 'Schools' covered under the CBSE Board, the remedy of approaching the School Tribunal is available.

2. That being the position, leaving all contentions of the parties open, in case the Petitioner approaches the School Tribunal, we dispose of the writ petition.

3. In case the question of delay arises, the School Tribunal will consider the fact that the writ petition was pending in this Court.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)