



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

Civil Application (CAW) No. 1929 of 2024
in
Writ Petition (WP) No. 3389 of 2014

Ratneshwar Vyam Prasarak Krida Va Shikshan Prasarak Mandal, Amani
and another

Versus

The Presiding Officer, School Tribunal, Amravati Division, Amravati and
others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.S.Patil, Advocate for the petitioners.

Shri A.M.Ghare, Advocate for the respondent no.2.

CORAM : N.R.BORKAR, J.

DATED : 5th SEPTEMBER, 2024.

Shri P.B.Patil, the learned counsel for respondent No.2 submits that, as the learned counsel Shri Ghare has filed Vakalatnama on behalf of respondent no.2, his appearance on behalf of respondent no.2 be discharged. At the request of Shri P.B.Patil, his appearance on behalf of the respondent no.2 is discharged.

2. I have heard the learned counsel for the petitioners and learned counsel for respondent no.2.

3. The respondent no.2 was working as 'Assistant Teacher' in the school run by petitioner no.1. The services of respondent no.2 were terminated. Against the order of termination, respondent no.2 had filed appeal before the School Tribunal. By the order impugned in this petition, the learned School Tribunal has allowed the said appeal. This Court by order dated 23rd November, 2015 admitted the present petition.

4. On 8th June, 2022, this Court had passed the following order:

“By this application the aggrieved teacher, in whose favour the School Tribunal has passed order of payment of backwages, seeking appropriate orders on the ground that the backwages deposited by the Management are not according to law. According to Management, the amount deposited by them is the amount of backwages. It appears that there is dispute regarding amount of backwages therefore said dispute needs to be adjudicated by the Education Officer under MEPS Act.

2. The respondent no.3-Education Officer (Secondary), Zilla Parishad, Washim is hereby directed to hear the Management and Teacher and shall decide exact quantum of payment of arrears of backwages. Parties shall appear before the Education Officer on 20.06.2022 at 11:00 a.m. The Education Officer shall pass an appropriate order within four weeks from their first appearance and submit the

report by way of affidavit denoting exact amount of arrears of backwages payable by the Management.

3. Stand over six weeks.”

5. In terms of the above order respondent no.3 Education Officer submitted the report. As the amount mentioned in the report was not paid, the application was filed for direction. The said application was not pressed with liberty to file execution of the order of Tribunal. By this application the petitioners are seeking stay of the execution proceedings filed by the respondent no.2.

6. The learned counsel for the petitioners submits that respondent no.3-Education Officer submitted the report without conducting proper inquiry. It is submitted that the objection filed by the petitioners to the said report is still pending before this Court. It is submitted that the execution, thus, needs to be stayed.

7. The petitioners are not willing to deposit the amount as mentioned in the report of respondent no.3-Education Officer. In that view of the matter, I am not inclined to entertain the present application. Accordingly, the application is rejected.

[N.R.BORKAR, J.]