IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.224 OF 2024
Mukesh Natwarlal Patel and others Vs. Vikas Gajanan Tawale and another

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

Shri Akshay Naik, Advocate for petitioners.
Shri C.A. Lokhande, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : MARCH 12, 2024.

Heard.

2. The order dated 09.10.2023 of issuance of process for offence punishable under section 13 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short, 'the Act') passed by the learned Judicial Magistrate First Class, Bhandara in Summary Criminal Complaint No.1217/2023, is under challenge.

3. The contention is that by order dated 30.07.2013 the School Tribunal has directed the petitioner and the Management-School to reinstate the respondent no.1. The matter was carried upto Supreme Court by review petition which came to be dismissed by order dated 04.12.2014. Thereafter, from 19.12.2014 the respondent no.1 was reinstated by the Management-School, however the respondent no.1 filed complaint before the learned Magistrate alleging that he was not reinstated within stipulated time mentioned in the order dated 30.07.2013 therefore they have committed an

offence punishable under Section 13 of the Act. The process was issued which was challenged by way of writ petition. The writ petition came to be allowed on the ground that Management-School was not made an accused. Another compliant came to be filed on the same allegations in writ petition filed by the petitioners against the issuance of process in second complaint, which was allowed to be withdrawn by this Court with liberty to the respondent no.1 to take recourse of remedy available under law. The said complaint came to be withdrawn and now third complaint on the same allegations has been filed before the learned Magistrate, wherein the process has been issued by the impugned order.

4. Issue notice to the respondents, returnable within **two weeks**.

5. Learned APP waives service of notice on behalf of respondent no.2.

6. The trial Court shall not proceed in the matter till next date of hearing.

JUDGE

Wagh