

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7515 OF 2022

Yeshwant Bahuddeshiya Sevabhavi Sanstha Through Its Secretary
Balaji Pandhari Pandhare And Another

VERSUS

Sangram Chandar Kolekar And Another

...

Advocate for the Petitioner : Mr. Shinde Ram S.

Advocate for Respondent No.1 : Mr. Gore Ravindra Vitthal

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 01, 2025

PER COURT :

1. Heard the respective counsels.
2. Learned counsel for the petitioners submits that the respondent/employee filed an appeal before the learned School Tribunal, Latur by taking a theory of otherwise oral termination. The date which was mentioned in the appeal itself was not as per the record. He invited my attention to the prayer clause of the appeal memo, whereby the appellant/employee submitted that he was orally terminated w.e.f. 17.02.2020. In fact, the record shows otherwise. As per the contention of the employee, he was hospitalized on 17.02.2020 and 18.02.2020 and further record reveals that he was permitted to resume duties on 20.02.2020. Therefore, he submits that he filed an application before the School Tribunal vide Exhibit-13 pointing out that there was no cause of action for the

respondent/employee to file an appeal itself. The learned Tribunal without considering this aspect rejected the application below Exhibit-13.

3. I have gone through the order passed by the learned Tribunal below Exhibit-13. As far as the issue of maintainability is concerned, the said issue can be considered at the time of final hearing of the appeal. Even it was submitted by both the counsels that the appeal is listed for final hearing. Therefore, in view of the fact that the appeal is listed for final hearing, it is expected from the School Tribunal to consider the issue of maintainability, which is raised in the present petition and pass appropriate order in accordance with law at the time of final hearing of the appeal.

4. Therefore, I do not find any reason to interfere with the impugned order passed by the Presiding Officer, School Tribunal, Latur in Appeal No.12 of 2020 below Exhibit-13 dated 28.03.2022.

5. Writ Petition stands dismissed by keeping all the points open.

6. No order as to cost.

(SIDDHESHWAR S. THOMBRE, J.)