



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

WRIT PETITION NO.1404 OF 2020

(Mrs. Archana Vijay Pawar Vs. The Presiding Officer, School Tribunal, Nagpur and others)

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

Court's or Judge's orders.

Mr. N. D. Khamborkar, Advocate for Petitioner.
Mr. H. D. Futane, AGP for Respondent Nos.1 & 2/State.
Mr. H. A. Deshpande, Advocate for Respondent Nos.3 & 4.

CORAM: R. M. JOSHI, J.

DATE: 14th JULY, 2025.

1. This petition takes exception to the denial of seniority, increment and other benefits to the petitioner employee by the School Tribunal by impugned order dated 04.09.2018.

2. Learned Counsel for the petitioner submits that the School Tribunal ought not to have denied seniority to the petitioner without recording the finding that there is break in service. It is his further submission that non granting of increment amount to imposition of penalty as contemplated by Rule 30 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Rules, 1981 (for short, 'MEPS Rules'). It is his submission that even for the purpose of imposing minor penalty, procedure as prescribed by Rule 32 must be followed. It is his submission that the petitioner was not heard on the point before the

order of non grant of increment was passed by the School Tribunal. It is his further submission that though the other benefits are denied, the same has not been spelt out specifically in the order impugned.

3. Learned Counsel for the respondent though supported the impugned order, was not in a position to point out anything from the order which indicates that the petitioner was heard on the point of denial of seniority, increment and other benefits.

4. Since the said portion of the order has been passed without hearing the petitioner, instead of recording finding of fact for the first time, this Court find it appropriate to relegate the appeal bearing No.67/2014 the School Tribunal for decision afresh on the point of denial of the consequential relief of seniority, increment and other benefits.

5. On the above points the contentions of the parties are kept open.

6. Parties are directed to appear before the School Tribunal on 21.07.2025. No separate notice be issued to the parties.

(R. M. JOSHI, J.)