

Appeal No. 04 of 2018

**Shri. Yashwantrao Suryakant Mane,**

V/s.

**Shriram Education Society, Phaltan and others**

**Order below Exh. 33.**

(Date - 4<sup>th</sup> February, 2019)

1) This application is filed by the Respondent Nos. 1 and 2 for setting aside “No Written Statement order” passed against them.

**Facts of the Application is as under :**

2) The Respondents did not file Written Statement as the Appellant had filed stay application in the matter and the Respondents have filed their say to the stay application. The Respondents were under the impression that, the stay application would be taken up first and thereafter main Appeal would come up for hearing. The Respondents are now required to file their Written Statement to the main Appeal. If the written statement is taken on the record, no prejudice will be caused to the Appellant. Hence prayed for setting aside “No Written Statement order”.

3) The Appellant has filed say, thereby prayed to expediate the matter. The Appellant is out of service due to illegal action of the management and the proceeding shows that, the management is going to protract the matter unnecessarily.

4) Heard both the parties. Perused the record. It can be seen from the record that, the Respondent Nos. 1 and 2 have failed to file Written Statement, therefore, by passing order at Exh. 1, the matter is proceed without their Written Statement. It is necessary to decide the matter on merit, for which it is necessary to provide an opportunity to the Respondents to file written statement. The Copy of Written Statement in enclosed herewith. It is necessary to allow the Respondent Nos. 1 and 2 to file Written Statement. Hence I pass following order.

**ORDER**

1. Application stands allowed.
2. “No Written Statement order” passed against the Respondent Nos. 1 and 2 dated 27.11.2018 is set aside in the interest of justice.

*(Order dictated and pronounced in the open Court.)*

Date : 4<sup>th</sup> February, 2019.  
Place: Kolhapur.

sd/-  
(V. V. Joshi)  
Presiding Officer,  
School Tribunal, Kolhapur.