

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9723 OF 2013

Shri Warana Shikshan Sanstha & Ors. ...Petitioners

versus

Ashok S. Bhosale & Ors. ...Respondents

Mr.S.S.Patwardhan , for Petitioner.
Mr. L.S. Deshmukh, for Respondent no.1
Mr. A.D. Kango for respondent no.2

CORAM : K.K.TATED, J.

DATED : 17th February, 2014.

P.C. :

. Heard learned Counsel for the parties.

2 By this Petition under Article 227 of the Constitution of India, the Petitioner-original Management challenges the Judgment dated 03.08.2013 passed by the School Tribunal, Kolhapur in appeal no. 25 of 2011 setting aside the termination dated 15.06.2007 and directing the Petitioner to reinstate the respondent-original appellant to his original position as part time Shikshan Sevak. The Tribunal further directed to the Petitioner to pay back wages @ 25 % excluding the period of delay i.e. 15.06.2007 to 15.03.2011 till reinstatement.

4 The learned Counsel for the Petitioner states that Tribunal failed to consider that they appointed respondent-original

appellant on contractual basis and this fact is confirmed by the State by filing their affidavit-in-reply dated 10.01.2014. He mainly relied on para 4 and 5 of the reply filed by the State.

5 Considering the submission made by the learned Counsel for the Petitioner and affidavit-in-reply filed by the State, I am of the opinion that the Petitioner has made out case for admission of the present petition.

6 Rule.

7 Rule on interim relief, returnable after eight weeks.

9 In the meanwhile, ad-interim relief in terms of prayer clause (b) is granted till next date, which reads thus:

“b) Pending hearing and final disposal of this writ petition, this Court be pleased to stay the operation, implementation and effect of the judgment and order dated 3rd August, 2013 passed by the learned Presiding Officer, School Tribunal, Kolhapur in Appeal No. 25 of 2011 Exhibit D hereto.”

(K.K.TATED, J.)