

ITEM NO.22

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).28699/2010

(From the judgement and order dated 09/08/2010 in
of The HIGH COURT OF BOMBAY AT AURANGABAD)

WP No. 7154/2009

VENKATESH SHIKSHAN PRAS.MANDL.& ANR

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 25/10/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Venkat Subramoniam T.R.,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Respondent No.3 was appointed as Teacher in
Bhiravnath Prathamik Vidya Mandir (petitioner No.2) on
temporary basis for the academic year 1995-96. His services
are said to have been terminated vide order dated 30.3.1996.
He filed an appeal before the School Tribunal (for short,
'the Tribunal') against the termination of his service. The
Tribunal vide its order dated 26.7.1999 allowed the appeal.
Review petition filed by the petitioners was dismissed on
5.2.2000. Writ Petition No.1504/2000 filed by the
petitioners was allowed by Aurangabad Bench of the Bombay
High Court and the matter was remitted to the Tribunal for
fresh disposal of the appeal filed by respondent No.3.

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In compliance of the direction given by the High
Court, the Tribunal re-considered the matter and passed
order dated 15.12.2001 whereby the petitioners were directed
to reinstate respondent No.3 within 40 days and pay him 50%
back wages.

The petitioners challenged the second order of the
Tribunal in Writ Petition No.7154/2009, which has been
dismissed by the impugned order.

The petitioner have not explained as to why its
advocate did not appear before the Tribunal at the re-
hearing of the appeal preferred by respondent No.3 and why
it did not challenge the second order of the Tribunal for 8
years.

In our view, the impugned order does not suffer
from any legal infirmity requiring interference under
Article 136 of the Constitution.

The special leave petition is accordingly
dismissed.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master