

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2160 OF 2015

DAWAT EDUCATION SOCIETY, BEED AND OTHERS
VERSUS
SIDDIQUI ABDUL FAHIM ABDUL ALEEM AND OTHERS

...
Advocate for Petitioners : Shri Dhage Vivek J.
Advocate for Respondent 1 : Shri Godbole R.J.
AGP for Respondent 3 : Shri Salgare S.J.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 27, 2015

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PER COURT :-

1. I have heard the learned Advocates for the respective sides.
2. The School Tribunal has observed in paragraph No.15 in the impugned order dated 30.1.2015, in Appeal No.6 of 2007, as under:-

“ But according to me this is a point purely on merit which can only be considered at the time of appreciation of evidence while deciding a point of competency finally on a merit. So it cannot be covered under this application. Tomorrow if another examination is conducted and the appellant again adopts a wrong procedure then the respondents again will place such application to re-conduct the said test. So, I hold that this is a point being the point of merit, it cannot be decided in this application.”

3. The Appeal is pending final adjudication. The petitioners are not precluded from putting forth their contentions with regard to the test conducted in the light of the observations of the School Tribunal as reproduced above.
4. I am, therefore, not inclined to entertain this petition on an interlocutory order as the appeal filed by the respondent in 2007 is awaiting final adjudication.

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5. This petition is, therefore, disposed off. Needless to state, the observations of the Tribunal as reproduced above, enable the petitioner and the respondents to raise their contentions, which would be considered by the Tribunal while deciding the appeal finally.

(RAVINDRA V. GHUGE, J.)

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