

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4760 OF 2015

VINAYAK VISHWANTRAO DIVE
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Mathpati Shivkumar K.
AGP for Respondent 1 : Shri Bhogle U.H.
Advocate for Respondents 3 to 5 : Shri Dhage Vivek J.
Respondent No.2 : Deleted

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 19, 2015
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PER COURT :-

1. The petitioner's Appeal No.56 of 2014 in connection with his dismissal from employment as a Supervisor is pending before the School Tribunal.
2. Grievance of the petitioner is that in the event his appeal is allowed, he would be reinstated as a Supervisor and thereafter, there is a strong possibility that being a Senior Supervisor he is likely to be appointed as a Headmaster.
3. The petitioner has filed an application before the School Tribunal praying for staying the effect and operation of his termination, dated 1.10.2014 and for directing the management not to fill in the post of Headmaster in the respondent No.4 School and for restraining respondent No.5 from giving permanent approval to the post of Headmaster to anyone, except the appellant.
4. I have considered the submissions of Shri Mathpati, learned Advocate for the petitioner and Shri Dhage, learned Advocate appearing on behalf of respondents 3 to 5.

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5. The record reveals that the petitioner has been dismissed from service for proved misconduct pertaining to misappropriation of money. His prayer put forth in the application as noted above is under the hope that he is likely to succeed in the Appeal. In my view, the said application has been rightly rejected by the School Tribunal vide its order dated 13.2.2015.

6. I do not see any merit in this petition. Same is therefore, dismissed. Needless to state, all contentions of the litigating sides in relation to the pending appeal shall be considered by the School Tribunal on their own merits.

(RAVINDRA V. GHUGE, J.)

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