IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

**WRIT PETITION NO. 8132 OF 2014**

KAI PANDURANG TOTARAM PATIL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Mahajan Surekha P. And Sandip Rathod.
AGP for Respondents: Mr.D.B.Bhange.
Advocate for Respondent No.4 : Mr. K.M.Nagarkar.

...

CORAM : **S. V. GANGAPURWALA and V.L. ACHLIYA, JJ.**
DATE : 22nd January, 2015.

P.C.:

. The order passed by Respondent No.2 – Additional Commissioner is assailed in the present petition.

2 We have heard the learned counsel for the Petitioners, Mr.Nagarkar, learned counsel for Respondent No.4 and the learned AGP.

3 According to the learned counsel for the Petitioners, this Court has set aside the judgment delivered by Respondent No.2 in Writ Petition No.8756 of 2013. The Respondent No.2 relying on the order, which is set aside by this Court has issued the impugned order directing the Petitioners to reinstate Respondent No.4.

4 Mr.Nagarkar, learned counsel for Respondent No.4 fairly accepts the position that the order, which was passed on 3rd September, 2013, by the Respondents directing reinstatement of the Petitioner, is set aside by this Court in Writ Petition No.8756 of 2013, vide order dated 29th January, 2014. However, the learned counsel submits that the Petitioners have

implemented the order in respect of one employee, but have adopted another recourse as far as the Petitioners are concerned.

5 It is also not disputed that Respondent No.4 has after the order passed by this Court allowing the Writ Petition No.8756 of 2013, preferred an appeal before the School Tribunal and the said appeal is still *subjudice* before the School Tribunal.

6 In light of the aforesaid factum, it was improper, erroneous on the part of Respondent No.2 to issue the impugned order directing reinstatement of Respondent No.4 based on the order, which was set aside by this Court. In fact, the same amounts to interference in the administration of justice and it is a contemptuous act.

7 Considering the aforesaid aspects of the matter, the impugned order is quashed and set aside.

8 Mr.Nagarkar, learned counsel submits that the School Tribunal be directed to decide the appeal, expeditiously and the date is fixed tomorrow i.e. 23rd January, 2015, for hearing. As the matter itself is now for hearing, the Tribunal shall endeavour to dispose of the appeal expeditiously on its own merits.

9 Rule is accordingly made absolute. No costs.

**[ V.L. ACHLIYA, J. ]** **[ S. V. GANGAPURWALA, J. ]**

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