

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

CIVIL WRIT PETITION NO. 6065 OF 2015

Shankarrao Keshav Patil and Ors.

... Petitioners.

V/s.

Jayashree Baburao Patil Alias
Jaya Shirish Phakade and Ors.

... Respondents.

Mr. M.B. Deshumukh for the Petitioners.
Mr. A.R. Metkari, AGP for Respondent 4.

CORAM : N.M. JAMDAR, J.

DATE : 23 OCTOBER, 2015.

P.C. :-

By the impugned order the School Tribunal has rejected the application of the Petitioners to the effect that the Petitioners are now office bearers of the concerned education trust and they should be described as such in the Appeal Memo and the other Respondents in the Appeal who have no concern with the trust should be removed from the array of the Respondents.

2. The Petitioners are not precluded from opposing the Appeal. As regard their status as office bearers, effect will have to be given to the orders passed by the Charity Authorities and it is

not within the domain of the School Tribunal to decide their status. As regard wrong person being joined in the Appeal, that is the risk the Appellant takes and in the writ jurisdiction it cannot be held that those Respondents have no right to remain on record. The order passed by the School Tribunal is an interim order. At the time of passing the final order, if it goes against the education trust, the School Tribunal will no doubt keeping in mind status of the managing body as decided by the Charity Authorities.

3. In view of this position, no interference is warranted in writ jurisdiction, as the question regarding status of the Petitioners will be governed by the orders of the Charity Authorities, which the School Tribunal will keep in mind at the time of final disposal of the Appeal. The Writ Petition is accordingly disposed off.

(N.M. JAMDAR, J.)