

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

WRIT PETITION NO.3304 OF 2015

Sunil Bhiwaji Thorat : Petitioner.
Versus
Gadre Sonabahu Tukaram and ors. : Respondents.

Mr. Siddhartha R Ronghe for the Petitioner.
Mr. S D Rayrikar AGP for the Respondent No.4.

CORAM : R. M. SAVANT, J.
DATE : 08th April 2015

P.C.

1 The above Petition has been filed challenging the order dated 20/04/2012 passed by the Presiding Officer, School Tribunal, Pune Region, Pune. By the said order the Appeal filed by the Respondent No.1 herein came to be partly allowed and the directions as contained in the operative part of the said order came to be issued. The relevant directions are the directions issued in clauses (2) and (3) of the operative part of the said order which for the sake of ready reference are reproduced herein under :-

(2) The promotion order given to respondent No.2 to the post of Asst. Headmaster on and from 01.06.2010 in Shree Wageshwar Vidyadham, Mandvgaon Pharata is hereby quashed and set aside and the respondent particularly respondent No.1 directed to consider the appellant for the post of Asst. Headmaster given to the respondent No.2.

(3) The claim of appellant for setting aside promotion order dt.01.07.2007 given to the respondent No.3 to the post of Headmaster is dismissed.

2 The learned counsel appearing on behalf of the Petitioner, on the instructions of the Petitioner who is personally present in Court, seeks withdrawal of the above Petition with liberty to agitate his claim qua the Respondent No.2 to the above Petition i.e. the Respondent No.3 in the Appeal Shri Subhash J Vetal in respect of the post of Asst. Headmaster/Headmaster. It is the case of the Petitioner that he is senior to the said Shri Subhash J Vetal on the basis that Shri Subhash J Vetal was not having requisite qualifications at the time of his appointment though his appointment is prior in point of time to the Petitioner.

3 In so far as clause (2) as above is concerned, the learned counsel for the Petitioner states that the Petitioner gives up his challenge to the directions as contained in the said clause (2).

4 In so far as clause (3) is concerned, obviously the Petitioner cannot be aggrieved by the directions issued by the said clause (3) as the Petitioner was not the Appellant before the School Tribunal and it was the Respondent No.1 herein who was the Appellant before the School Tribunal. Hence the aggrieved party if any in respect of the said clause (3) would only be the Respondent No1 i.e. the original Appellant.

5 The above Petition is accordingly allowed to be withdrawn with

liberty to the Petitioner to agitate his claim qua the Respondent No.2 to the above Petition i.e. the Respondent No.3 in the Appeal Shri Subhash J Vetel in respect of the post of Asst. Headmaster/Headmaster. Needless to state that if any such proceeding is filed, the same would be tried on its own merits and in accordance with law and the withdrawal of the above Petition would not come in the way of the Petitioner in agitating the said claim. Needless to further state that this Court has not expressed any opinion as regards the said claim of the Petitioner.

[R.M.SAVANT, J]