

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

WRIT PETITION NO. 11628 OF 2015

Shankar Dagadu Jumale

... Petitioner

v/s

Shrinath Shikshan Prasarak Mandal & ors.

... Respondents

Mr.I.M.Khairdi for the petitioner.

Mr.Anant Vadgaonkar for the respondent No.1.

Mr.P.B.Bukhari for the respondent No.5.

CORAM: N.M. JAMDAR, J.

DATED : 26 NOVEMBER 2015

PC.:

Not on board. Taken on production board by way of a *praecipe*.

2. The petition is filed by the Petitioner who is not a party to the Appeal from which order sought to be impugned in this petition arises. The impugned order disposed of Appeal No.39 of 2014 filed by Babalal Magbool Mulani. Learned counsel for the Petitioner submitted that the Petitioner has also filed an appeal bearing No.17 of 2005 which is kept pending, when it ought have to be disposed of on merits, as this appeal and Appeal No.39 of 2014 were to be

heard together.

3. Since the appeal filed by the Petitioner is pending and is not finally disposed of, the Petitioner cannot be permitted to challenge the order passed in some other litigant's appeal. The School Tribunal is directed to dispose of the appeal filed by the Petitioner as per law. It will be open to the Petitioner and the parties in that appeal to take such appropriate steps if they are aggrieved by the decision of the School Tribunal. All contentions of the parties in that regard are kept open.

4. The writ petition is accordingly disposed of.

(N. M. JAMDAR, J.)