

Sequeira

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

WRIT PETITION NO. 11582 OF 2015

Shrinath Shikshan Prasarak Mandal.

.. Petitioner

Vs

Babalal Maqbool Mulani & ors.

.. Respondents

Mr.S.S.Patwardhan, for Petitioner.

Mr.PB.Kulkarni, for Respondent No.1.

Mr.A.D.Kango, Assistant Government Pleader, for Respondent Anant.

Mr.Rajendra B.Jadhav, Petitioner -President, present.

Anant Vadgaonkar – Intervenor.

CORAM: N.M.Jamdar, J.

Thursday, 10 December 2015

P.C. :

The learned counsel for the Petitioner after arguing the matter for some time states on instructions that the Petitioner would abide by the directions issued by the School Tribunal to promote Respondent No.3 to the post of Headmaster in Shrinath Vidhyalaya Sonke. He states that since at present Respondent No.1 is under suspension he would be promoted notionally. These statements are accepted. He also submitted that the claim made by the other employees for the same post is pending in their Appeal and that may have a bearing. The learned counsel for the Intervenor undertakes to file the Intervenor Application during the course of the day.

2. The learned counsel for the Intervenor states that there are *inter se* disputes between the trustees and the deponent of the petition is not authorised to file petition on behalf of the Petitioner.

3. Without going into the controversy, since the statement is made by the learned counsel for the Petitioner as noted above, the same is accepted. The Petitioner will issue appropriate order within period of one week from today. The promotion of the Respondent No.1 to the said post will be subject to the outcome of the Appeal No.39 of 2014 and No.17 of 2015.

4. The learned counsel for the Petitioner makes a grievance that Respondent No.1 is taking certain illegal steps. This is disputed by the Intervenor as well as the learned counsel for the Respondent No.1. It is not necessary to adjudicate on this issue as parties have their rights and remedies available in law against each other.

5. In view of the above position, no further orders are required to be passed in this Writ petition. Writ Petition and the Intervention Application are accordingly **disposed of**.

N.M.Jamdar, J.