

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3128 OF 2015.

(TANVIR AHMAD KHAN SHABBIR KHAN...VS..MASUMIYA URDU EDUCATION SOCIETY & 3 OTH.)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JULY 03, 2015.

Heard Mr.V.K.Paliwal, the learned advocate for the petitioner and Mr K.L.Dharmadhikari, the learned A.G.P. for the respondent Nos. 3 and 4.

The petitioner/ employee takes exception to the interim order passed by the School Tribunal rejecting the application filed by the petitioner praying for interim order to the effect that the respondent/ management be directed to continue the petitioner in service during pendency of the appeal filed by the petitioner before the School Tribunal.

It is admitted on behalf of the petitioner that the petitioner is out of service since 17th November, 2014 i.e. the date on which his services are terminated. The issues raised by the petitioner in the petition deal with merits of the matter and in my view it would not be appropriate to delve into the issues at this stage as it would adversely affect the decision of the appeal on merits by the School Tribunal.

Considering the facts of the case, to sub-serve the ends of justice, following order is passed :

The School Tribunal is directed to decide Appeal No. 71 of 2014 filed by the petitioner, till 30th January, 2016.

The learned advocate for the petitioner states that the post is vacant and any another person is not appointed in that post.

Accepting the submission made on behalf of the petitioner, the respondent-management is directed that other person should not be appointed in the post in which the petitioner was working and if at all the respondent-management is in need of the teacher then the petitioner shall be continued by way of interim arrangement.

This order is passed without issuing notice to the respondents as the order does not adversely affect the respondent nos. 1 and 2.

The Writ Petition is disposed of in the above terms. No costs.

JUDGE