

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MCA NO. 102/2015 IN LPA NO. 486/2011 IN
WRIT PETITION NO. 249 OF 2011

(Onkar s/o Narayanrao Wankhade vs. Vidarbha Samaj Kalyan & Bahuuddeshiya Education Society, Yerla, Tah. Morshi, Dist. Amravati & Ors.)

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

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.
APRIL 08, 2015.

Heard Shri Dadhe, learned counsel for the applicant/ appellant, Shri Bhangde, learned counsel for respondent Nos. 1, 2 & 4 and Shri Deshpande, learned AGP for respondent Nos. 3 & 5.

Shri Dadhe, learned counsel submits that while disposing of LPA No. 486 of 2011 on 16.11.2011, liberty was given to the appellant to take necessary steps. Accordingly, the application was moved before the learned Single judge and the School Tribunal, whose order was impugned, was allowed to be impleaded as party respondent in Writ Petition No. 249 of 2011. He, therefore, states that the order dismissing LPA on that count needs to be recalled and LPA needs to be heard on merit.

Shri Bhangde, learned counsel as also AGP for the respondents do not dispute the factual developments, however, they submit that subsequent addition of School Tribunal as party respondent may not be of any assistance

insofar as controversy involved in LPA is concerned.

As the learned Single Judge has allowed amendment and the School Tribunal has been added as party respondent in writ petition before the learned Single Judge, it is apparent that impact thereof needs to be considered by this Court and dismissal of LPA only on that ground cannot be sustained.

Hence, keeping all objections being raised by Shri Bhangde, learned counsel and the learned AGP open, we recall the order dated 16.11.2011 and restore LPA No. 486 of 2011 back to file.

JUDGE

JUDGE

*GS.