

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8270 OF 2015

**SHIVSHANKAR SEVA BHAVI SANSTHA, HINGOLI
VERSUS
DANOBA NIVARTI KAVARKHE**

Advocate for Petitioner : Nirmal Ramchandra J.**

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**CORAM : P.R.BORA,J.
DATED : 4TH JANUARY,2016**

PER COURT :-

The order passed below Exh.36 in Miscellaneous Application No.7/11 by School Tribunal, Latur is questioned in the present petition. The present petitioner had filed said application praying for framing of preliminary issue in respect of maintainability of the appeal and the said prayer has been rejected vide impugned order. On perusal of the record, it appears that the aforesaid application was filed by present petitioner on the ground that the respondent employee has already joined the Government service and in such circumstances, the appeal so filed by him challenging the oral termination at the hands of the present petitioner has become infructuous.

2] On perusal of the order passed by learned School Tribunal, I do not find that the tribunal has committed any error in rejecting said application. There was no such case made out for framing

preliminary issue. All the contentions can be raised at the time of hearing of the appeal before School Tribunal. Petition is devoid of any substance and hence rejected.

(P.R.BORA,J.)

umg/