

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4688 OF 2016
(Mohd.Aqueel Ahmed Md.Burhanoddin Vs.Talat Shikshan Prasarak
Mandal and others)

Mr.Vivek J.Dhage, Advocate for the petitioner.
Mr.A.M.Karad, Advocate for respondent Nos. 1 and 2.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 26/10/2016

PER COURT :

1. An affidavit dated 26/10/2016 is filed today by which the affiant Dr. Khan Qutabunnisa w/o Mahmood-Ur-Rahman Siddiqui tenders an unconditional apology for filing an application before the School Tribunal, Aurangabad seeking transfer of proceedings in respect of all matters that are pending before the said Tribunal involving the respondent/Management. It is also stated in the affidavit that the earlier affidavit dated 06/05/2016 filed by the same affiant is being unconditionally withdrawn.

2. Learned Advocate Mr.Karad submits on instructions from the said affiant present in the Court that the respondents would proceed with the pending proceedings before the School Tribunal in Appeal No.26/2014 as well as all other pending appeals involving the

respondent/Management.

3. I have considered the contents of the affidavit dated 26/10/2016. However, taking into account that the said affiant had earlier expressed an unconditional apology before the learned Division Bench of this Court in WP No.5089/2009 for making similar allegations against the Presiding Officer of the School Tribunal, Aurangabad, I deem it proper to permit the respondents to withdraw all allegations against the School Tribunal as well as the affidavit 06/05/2016, by imposing costs considering the view taken by this Court and the Hon'ble Supreme Court in the following 5 judgments :-

1. *U.P.Resi.Emp.Co-op.House B.Society and others Vs. New Okhla Indus.Deve.Authority and another*, [2003 AIR SCW 3304],
2. *Ram Niranjana Roy Vs.State of Bihar and others*, [2014 AIR SCW 2144],
3. *Rajeshwar Singh Vs.Subrata Roy Sahara and others*, [2014(1) All MR 910 (S.C.)
4. *Vijay Enterprises Vs.Gopinath Mahade Koli*, [2006(4) Bom.C.R. 701],
5. *Satish Mahadeorao Uke Vs.Registrar, High Court of Bombay, Bench at Nagpur*, [2016(4) Mh.L.J. 406].

4. In the light of the above, this petition is disposed of by directing the learned Presiding Officer, School Tribunal, Aurangabad to

proceed with all the appeals involving the respondents on their own merits. The respondents shall pay costs of Rs.5,000/- to the petitioner within a period of 4 weeks from today and shall deposit costs of Rs.10,000/- with the High Court Legal Aid Services Authority, Sub Committee, Aurangabad within 4 weeks.

(RAVINDRA V. GHUGE, J.)