

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

WRIT PETITION NO.4796 OF 2015

Shankarrao Keshav Patil & Ors. .. Petitioners
Vs.
Sujata Jaywant Patil @
Sujata Vasudev Deshmukh & Ors. .. Respondents

Mr.Mahendra B. Deshmukh for the petitioners.
Mr.A.R.Metkari, AGP for the respondent no.4.

CORAM : R.D. DHANUKA, J.
DATE : 20th June 2016

P.C.

. By this petition filed under Articles 226 and 227 of the Constitution of India, the petitioners have impugned the order dated 26th November 2014 passed by the Presiding Officer, School Tribunal, Kolhapur rejecting the application at Exhibit-20 filed by the petitioner nos.1 and 2 (original respondent nos.5 and 6) inter alia praying for deleting the name of the respondent nos.1 and 2 from the appeal memo and also seeking permission to conduct the said appeal on behalf of the respondent nos.1 and 2 as a President and Secretary of the management.

2. It was the case of the petitioners before the School Tribunal that the petitioners were President and Secretary of the management and not the respondent nos.1 and 2 and thus they should be permitted to oppose the said appeal filed by the original appellant.

3. Learned counsel appearing for the petitioners submits that the petitioner nos.1 and 2 were entitled to file such application before the School Tribunal for seeking permission to oppose the reliefs claimed by the appellant on behalf of the management as a President and Secretary respectively.

4. A perusal of the order dated 26th November 2014 passed by the Presiding Officer, School Tribunal, Kolhapur indicates that there is a dispute inter se between the original respondent nos.1 & 2 and the petitioners regarding management of the school. It is not in dispute that the petitioners as well as the respondent nos.1 and 2 were impleaded as parties to the proceedings filed by the teacher.

5. In my view, the School Tribunal has rightly held that the appellant being *dominus litis* and had unfettered right to implead the parties in the appeal. In my view, the petitioners also being parties to the said proceedings can independently oppose the reliefs claimed by the appellant on its own merits. In my view, the School Tribunal could not have decided the inter se dispute between two rival groups in the management in the appeal filed by the teacher. The application filed by the petitioners was thoroughly misconceived and was rightly rejected by the learned Presiding Officer, School Tribunal, Kolhapur. The petition is totally devoid of merits and is dismissed with costs quantified at Rs.10,000/- which shall be paid by the petitioners to the respondent no.1 within two weeks from today.

R.D. DHANUKA, J.