

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7007 OF 2015

Deepa Jain

..... Petitioner

VERSUS

**Principal,
The Cathedral and John Connon School,
Fort, Mumbai**

..... Respondent

Mr.Sunil Dighe for the Petitioner.

Mr.Gaurav Mehta, a/w. Mr.Amit Mehta, Mr.Navin Bhatia, i/b. Mahimtura & Co.
for the Respondent.

CORAM : R.D. DHANUKA, J.

DATED : 26th APRIL, 2016

P.C.

By this writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioner has impugned the order passed by the school tribunal dated 5th February, 2015 dismissing the appeal filed by the petitioner on various grounds. A perusal of the order passed by the school tribunal indicates that the school tribunal has rejected the appeal filed by the petitioner not only on the ground of the maintainability of the appeal but also on the merits.

2. Mr.Dighe, learned counsel appearing for the petitioner on instructions states that in view of the issue of maintainability raised by the management of the appeal filed by the petitioner, the petitioner would file a writ petition impugning the order of termination letter dated 20th November, 2012 issued by the management in this court. In view of the statement made by the learned counsel for the petitioner that the petitioner would file a writ petition for impugning the termination letter dated

20th November, 2012 and for other consequential benefits, it is made clear that if the petitioner files any writ petition in this court for impugning the letter of termination and for other consequential benefits, the respondent management would not be entitled to raise any issue of maintainability of the writ petition.

3. In my view since the school tribunal has rejected the appeal filed by the petitioner on the ground that the appeal is not maintainable against the minority school, the school tribunal could not have made adjudication on the merits of the challenge to the termination letter dated 20th November, 2012 and other issues raised in the appeal filed before the school tribunal. The order passed by the school tribunal insofar as the findings recorded by the school tribunal on merits of the matter is accordingly set aside. It is made clear if that the petitioner files any writ petition in this court, the same can be considered by this court on its own merits without being influenced by the observations and conclusions drawn by the school tribunal in the impugned order.

4. The writ petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]