

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6696 OF 2015

Manisha Maruti Patil ..Petitioner
Versus
Ganpat Vithuji Khade Vidyalaya(Jr.College)
through its Head Master and ors. ..Respondents

Mr. Mandar Limaye, advocate for the petitioner.
Mr. V. M. Mali, AGP for the State.

**CORAM : SHANTANU KEMKAR &
RANJIT MORE, JJ.**

DATE : 21st APRIL, 2016.

P. C. :

Parties through their counsel.

2. By filing this petition, the petitioner has challenged the order dated 31st March, 2015 – annexure H, by which, the petitioner's claim for approval for the appointment has been rejected on the ground that Mrs. Pramila Gabale has approached to the School Tribunal against the order of her termination and also on the ground that civil application No.1501 of 2014 in writ petition No.1001 of 2012 is pending for consideration. Learned counsel for the petitioner has pointed out that the said civil application No. 1501 of 2014 as also the writ petition No.1001 of 2012 have already been rejected by this Court on 10th December, 2015. He also submits that merely because the matter is pending at the instance of the said teacher before the School Tribunal,

the petitioner's claim for approval cannot be rejected, more particularly, when by the order passed by this Court, the petitioner has already been ordered to be reinstated and consequent to that order, the petitioner has been reinstated.

3. Keeping in view the subsequent development, we are of the view that the matter requires to be sent back to the said authority for passing a fresh order keeping in view the fact that civil application No. 1501 of 2014 filed by the said Mrs. Pramila Gabale has already been rejected and the writ petition has already been dismissed. It is further observed that mere pendency of the matter at the instance of the said Mrs. Pramila Gabale before the School Tribunal will not come in the way of the petitioner for grant of approval. Let an appropriate decision as aforesaid be taken by the concerned authority within four weeks from the date of receipt of the copy of this order. The impugned order stands quashed. The petition is, accordingly, disposed of.

4. Certified copy as per the Rules.

[RANJIT MORE, J.]

[SHANTANU KEMKAR, J.]