

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.125 OF 2016**

Siddharth Shikshan Prasarak Mandal
& Anr.

..Appellants

Vs.

The Municipal Corporation of Greater
Mumbai & Anr.

..Respondents

....

Ms. Gayatri Singh, Senior Advocate i/b. Kranti L. C. for the
appellants.

Mr. A. V. Diwate for respondent No.1.

....

CORAM : N.M. JAMDAR, J.

DATED : 22 MARCH 2016

P.C.:

. The learned senior counsel for the appellants seeks leave to withdraw the appeal. She states that the appropriate remedy for the appellants is to challenge the decision of the Education Officer dated 13 February 2014, by way of a Writ Petition.

2. The appeal is accordingly disposed of as withdrawn. All contentions of the parties on merits are kept open.

3. The learned counsel for the appellants states that it will take some time for the appellants to file a writ petition and in the meanwhile the school of the appellants, which is at present being in

operation, should not be closed down by the respondents.

4. The learned counsel for the respondents on instructions of Mr. Ajay Vani, Administrative Officer states that the action of closing down the school will not be taken for a period of 4 weeks from today. The statement is accepted. It is clarified that continuation of this protection would be on its own merits.

(N.M. JAMDAR, J.)