

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

WRIT PETITION NO.4243 OF 2016

The Principal,
St.Ullai High School & Anr. .. Petitioner
Vs.
Devendra Prasad Jagannath Singh & Anr. .. Respondents

Mr.M.V. Jogle a/w Mr.Rahul D. Oak for the petitioner.
Mr.Mandar Limaye i/by Mr.Virendra Pethe for the respondent no.1
Mr.A.B. Metkari, AGP for the respondent no.2.

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

P.C.

. Rule. Learned counsel for the respondents waive service.

2. By consent of the petitioners and the respondent no.1, the impugned order passed by the Presiding Officer, School Tribunal, New Mumbai dated 20th August 2015 below Exhibit-N filed by the respondent no.1 is set aside. The application (Exhibit-1) is restored to file and to be heard on merits. Both the parties have agreed to file additional affidavits and documents before the School Tribunal within two weeks from today and serve the same upon each other simultaneously.

3. It is made clear that this Court has not expressed any views on merits of the matter. The School Tribunal shall decide the matter afresh in accordance with law after considering the additional affidavits as well as the documents if produced by both the parties. Rule is made absolute in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.