

Sequeira

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

WRIT PETITION NO. 10062 OF 2014

Shri S.J.Chavan

.. Petitioner

Vs.

Shri Sukhadeo Ganpat Nangre & ors.

.. Respondents

Mr.Surel S. Shah, for the Petitioner.

Mr.Vinod Sangvikar i/b Mr.Umesh Mankapure, for Respondent No.1.

Mr.A.R.Metkar, Assistant Government Pleader, for Respondent No.4 and 5.

***CORAM: N.M.Jamdar, J.
Friday 8 January, 2016***

Oral order :

Heard learned counsel for the parties.

2. By the impugned order dated 5 August 2014, the School Tribunal, Kolhapur partly allowed the appeal filed by the Respondent No.1 and set aside the order of termination dated 16 December 2013 based on the decision of the Enquiry Committee.

3. Mr.Sangvikar, the learned counsel for the Respondent No.1 has relied upon decision of the Apex Court in the case of **Anant R. Kulkarni Vs. Y.PEducation Society & Ors.** - 2013(6) SCC 515, to contend that since the Respondent No.1 has now retired on

superannuation there is no question of fresh inquiry. Mr.Surel Shah, the learned counsel for the Petitioner has not been able to show any contrary legal position. It is an admitted fact that the Respondent No.1 has since retired on superannuation on 31 May 2014.

4. Mr.Shah however, contends that there are certain observations in the impugned order regarding the legality of the Management of the Petitioner which will affect the Petitioner in its pending proceedings before the Charity authority. The appropriate forum to decide the dispute between the trustees is the Charity authority, and therefore the observations made by the School Tribunal will not affect the merits of the dispute pending before the Charity authorities. In view of this clarification, nothing further survives in this Writ petition. Writ petition is accordingly **disposed of**.

(N.M.Jamdar, J.)