

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6939 OF 2015
 Nagsen Edu. Society Nagpur & Ano. Vs. Laxmi w/o Narayan Dongre & Ors.

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 Office Notes, Office Memoranda of Coram,
 appearances, Court orders or directions
 and Registrar's orders

Court's or Judge's Order

Shri V. A. Dhabe Adv for petitioners.
 Shri P. N. Shende, Adv. for respondent no.1.
 Ms. T. Khan Assistant Government Pleader for
 respondent nos. 3 & 5.

CORAM: A. S. CHANDURKAR J.

DATED: 22nd JUNE, 2016.

The petitioners are aggrieved by the order passed on the application for stay moved by the respondent no. 1 in an appeal preferred by her challenging the order of termination dated 20.10.2015. By the impugned order, the School Tribunal has allowed the said application and the Management was restrained from effecting the order of termination dated 20.10.2015. The order rejecting the application for dismissal of the appeal moved by the petitioners is also under challenge. The respondent no.1 has since superannuated on 31.10.2015.

Considering the fact that the respondent no. 1 has attained the age of superannuation on 31.10.2015 it would be in the interest of of justice that the appeal itself is heard and decided on merits. While issuing notice in the writ petition an interim order was passed that any steps taken pursuant to

the order dated 26.11.2015 would be subject to the result of the writ petition. This direction can be continued and the interim order dated 26.11.2015 can be made subject to the decision of the final appeal.

By keeping all the challenges of the petitioner to the maintainability of the appeal open, the following order is passed:

The proceedings in appeal No. STN-57 of 2015 are expedited and the appeal shall be decided by the end of October 2016. Any steps taken by either party pursuant to the interim order dated 26.11.2015 would be subject to final outcome of the said appeal. The points raised with regard to the maintainability of the appeal by the petitioners are kept open for being adjudicated by the School Tribunal. The writ petition is disposed of in aforesaid terms. No costs.

JUDGE

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