

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 948 OF 2015

WITH

CAW/2244/2017

Mrs. Bharati Dattatraya Bandal

.... Petitioner

vs

Deputy Director of Education

Pune Region, Pune and ors.

.... Respondents

Mr. A.V. Anturkar, Senior Advocate with Mr. Prthmesh Bhargude for the petitioner.

Mr. R.M. Shinde, AGP for respondent No.1.

Mr. R.S. Khadapkar for respondent No.3.

Mr. Girish R. Agrawal with Sachin Padaye for respondents 4 and 6.

**CORAM: ANOOP V. MOHTA AND
SMT. BHARATI H. DANGRE, JJ.**

DATE : September 27, 2017

FINAL ORDER :

1 This writ petition which was filed in 2015 challenge order dated 23 December 2014 issued by the Deputy Director of Education, Pune, thereby re-calling its earlier order reinstating the Petitioner in service, in view of the fact that the inquiry was not completed.

2 Today when the matter is listed before us for orders on Civil Application No.2244/2017, the learned senior counsel appearing

for the Petitioner, seeks permission to withdraw the writ petition. He also invites our attention to the interim order passed by this Court on 10.04.2015 by which this Court had directed that no coercive steps be taken against the Petitioner and consequent to the issuance of notice dated 9.1.2017 which is also impugned in the writ petition. By the same order, this Court had observed that the services of the Petitioner were already terminated and he had already availed the remedy of Appeal before the appropriate forum.

3 We permit the Petitioner to withdraw this Writ Petition. However, we intend to continue with the interim relief granted on 10.4.2015 till the appropriate forum i.e. School Tribunal decides the issue in respect of the termination of services of the Petitioner.

4 Civil Application No.2244/2017 is filed by the Petitioner, in view of the fact that the School Tribunal on 1.09.2017 has passed an order on Exhibit “1” and has refused to proceed with the hearing of the matter in view of the pendency of this writ petition. According to the learned senior counsel, the issue before this Court is totally distinct from the one before School Tribunal. We agree with the said submission.

Since the Petitioner has already withdrawn the writ

petition and we have continued the interim relief till the decision of the School Tribunal, the School Tribunal is directed to proceed with the hearing of the Appeal filed by the Petitioner. In view of the withdrawal of the writ petition, we grant liberty to the Petitioner to raise all issues in relation to the constitution of the Committee and challenge to the recommendation of the inquiry report submitted by the Deputy Director of Education/Management to be raised before the School Tribunal and direct the Tribunal to deal with the said issues so raised.

5 Writ Petition and Civil Application stand disposed off with liberty. We clarify that in case the School Tribunal passes an order which is against the interest of the Petitioner, the interim protection granted by this Court in its earlier order dated 10.4.2015 and continued by us today, would remain in force for a period of two weeks.

6 No costs.

(BHARATI H. DANGRE, J.)

(ANOOP V. MOHTA, J.)