

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 6303 OF 2017

Shri Ashok Raghunath Kharche	...Petitioner
<i>Versus</i>	
President, Amarjot Tarun Mandal	
Shikshan Sanstha And Ors.	...Respondents

....
Mr.Dormaan J. Dalal, Advocate for the Petitioner.

....

CORAM : R. G. KETKAR, J.

DATE : 03rd AUGUST, 2017

P.C.

1. Not on board. At the request of Mr. Dalal taken up for admission.
2. Heard Mr. Dormaan Dalal, learned Counsel for the petitioner.
3. Mr. Dalal seeks leave to amend the Petition so as to challenge the order dated 29.4.2017 passed by the learned Presiding Officer, School Tribunal, Pune (for short, 'Tribunal') below Exhibit-82 in Appeal No.46/2015. Leave to amend is granted. Amendment shall be carried out within one week from today.

4. By this Petition under Articles 226 and 227 of the Constitution of India, the petitioner has challenged (1) the order dated 15.4.2017 below Exhibit-66 and (2) the order dated 29.4.2017 below Exhibit-82 passed by the Tribunal in Appeal No.46/2015. By order dated 15.4.2017, the Tribunal allowed the application Exhibit-66 made by respondents No.1 and 2 and referred original letter dated 7.8.2013 to the handwriting expert's opinion. The petitioner is directed to supply his specimen signatures before the Tribunal for sending it to the handwriting expert so as to enable him to form his opinion. By order dated 29.4.2017, the Tribunal issued service summons to Mr. Sanjay Kumar, Additional Director of Police, Criminal Investigation Department, Maharashtra State (HQ), Near Pune University, Pune calling upon him to either remain present in person or send his representative expert before the Court to examine the original alleged resignation by the petitioner and receive the specimen signature of the petitioner.

5. In support of this Petition, Mr. Dalal submitted that the Tribunal was not justified in sending original letter dated 7.8.2013 for obtaining handwriting expert's opinion. Equally, the Tribunal was not justified in passing the order dated 29.4.2017. It is not

possible to accept this submission. The question that is raised in that appeal is whether the purported resignation letter dated 7.8.2013 is signed by the petitioner herein. It is in that context, the Tribunal has directed sending original letter to the handwriting expert's opinion. In case, the opinion is obtained and is in favour of the petitioner, the petitioner's stand that said letter is not signed by him will be vindicated. Mr. Dalal submitted that though the petitioner was ready and willing to supply his specimen signatures, the Tribunal is not permitting him to supply the specimen signatures. In my opinion, appropriate directions can be issued to the Tribunal to take specimen signatures of the petitioner in the presence of the representative to be deputed by Mr. Sanjay Kumar. Subject to this, no case is made out for interfering with the impugned order. Petition fails and the same is dismissed. Liberty is reserved to the petitioner to apply to the Tribunal for disposal of the appeal in a time bound manner. If such an application is made, the Tribunal will bear in mind the provisions of Section 10(3) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. Order accordingly.

(R. G. KETKAR, J.)