

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 8659 OF 2017**

Ramdas Anant Jagtap	]	Petitioner
Vs.		
The President/Chariman, Ordanance	]	
Factories Employees & Ors.	]	Respondents

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Mr. J.S. Kini a/w Mr. Suresh Dubey, for petitioner.

Ms. Jyoti Jadhav, for respondents No. 4 to 6.....

CORAM : R.G. KETKAR, J.**DATE : 4th AUGUST, 2017.****P.C.**

Heard Mr. Kini, learned Counsel for the petitioner and Ms. Jadhav, learned A.G.P, for respondents No. 4 to 6 at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 17th June, 2017 passed by the learned Presiding Officer, School Tribunal, Pune [for short 'Tribunal'] below Exhibit 6 in Appeal No. 14 of 2017. By that order, the Tribunal rejected the application Exhibit 6 made by the petitioner praying for injunction restraining respondent No.4/Education Officer [Secondary], Zilla Parishad, Pune from granting approval to the appointment of respondent No.9, Mrs. Jayashri Shrikrushna Giri for the post of Head Mistress of respondent No.3, Range Hills, Secondary School, Khadki, Pune, in

pursuance of the proposal submitted by respondent/management with respondent No.4 on 6th June, 2017 till disposal of the appeal. The Tribunal rejected the application Exhibit 6 on the ground that interim relief claimed by the petitioner does not come within the jurisdiction of the Tribunal and accordingly application was filed.

3. In support of this Petition, Mr. Kini submitted that respondent No.9 is not promoted as Head as on date. It is only in this background application Exhibit 6 was filed for injunction restraining respondent No.4 from granting approval to the appointment of 9th respondent as Head of respondent No.3-School.

4. In view of this submission, learned A.G.P was directed to produce record from the Office of the 4th respondent. A perusal of the record shows that Management had passed resolution on 22nd May, 2017 resolving to promote respondent No.9 on the post of Head Mistress. In pursuance thereof, on 2nd June, 2017, respondent No.9 was promoted as Head Mistress and to that effect, order was issued. On the same day, proposal was submitted by the Management to the 4th respondent for granting approval.

5. As respondent No.9 is already promoted on 2nd June, 2017 in pursuance of resolution dated 22nd May, 2017, it cannot be said that as on date, respondent No.9 is not promoted. The Tribunal was, therefore, justified in holding that relief claimed in application-Exhibit-6 does not come within its jurisdiction. Hence, 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 file application before the Tribunal for expeditious hearing of the appeal. If such application is made by the petitioner, the Tribunal will decide the same on its own merits. It is made clear that the Tribunal will decide the appeal on the basis of material on record, un-influenced by the observations made in this order. Liberty is reserved to the petitioner to file application for amending the appeal for substituting date “1st June, 2017” by “2nd June, 2017” in prayer clause (c) and (d) of the appeal as also application for mandatory interim order. The said application shall be decided on its own merits and in accordance with law.

[R.G. KETKAR, J.]