

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

WRIT PETITION NO.13155 OF 2016

Sou Kavita Bai Juganu Rathod ... Petitioner
Versus
The Chairman Dnyanprasarak Shikshan
Sanstha And Others ... Respondents

.....

Mr. Dilip Bodkar a/w Mr. S.T. Bhosle & Ms. Shraddha Pawar for the
Petitioner.

Ms. Manisha Devkar I/b S.M. Katkar for Respondent No.1.

Ms. Vaishali Nimbalkar, AGP for Respondent Nos.3 and 6.

Mr. Vivek Patil I/b Vivek Patil & Associates for Respondent No.4.

Mr. Avinash R. Belge for Respondent No.5.

.....

CORAM : S.C.GUPTE, J.

DATE : 27 JULY 2018

P.C. :

. After the matter is heard at some length, it is agreed between
learned Counsel for all parties that the petition may be disposed of in terms
of the following order and it is, accordingly, ordered as follow :

(i) The impugned order dated 6 October 2016 is quashed
and set aside and Appeal No.50 of 2015 is remanded to the
School Tribunal at Kolhapur for a fresh hearing in accordance
with law;

(ii) The school tribunal shall consider the position of the
roster as on the date of the appointment of the Petitioner

herein as Lady Superintendent of the Ashram Shala amongst other points;

(iii) The roster and other documents which are taken in custody by this court in its order dated 13 October 2017, shall be returned to the Secretary of Respondent Nos.1 and 2 for use before the school tribunal in the appeal on remand;

(iv) The contention of Respondent No.5 that she was and is not a necessary party to the appeal shall be considered by the school tribunal on its own merits;

(v) All contentions of the parties even on this basis are kept open;

(vii) This being an old matter, the school tribunal shall dispose of the matter as expeditiously as possible and preferably within a period of four months from today;

(vi) The petition is disposed of in above terms.

(S.C. GUPTE, J.)