

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

WRIT PETITION NO.4547 OF 2019

Rashtriya Sahkari Shikshan Prasarak
Mandal Ltd., Chalisgaon Thr. Secretary
& Ors

.. Petitioners

Versus

Prakash s/o Sukdev Patole & Ors

.. Respondents

.....

Advocate for Petitioners : Shri Ramesh I. Wakade

Advocate for Respondent No.1 : Shri P.B. Patil

AGP for Respondents No.2 & 3 : Shri K.B. Jadhavar

...

CORAM : PR. BORA, J.

Dated: April 12, 2019

Per Court :-

1. Issue notice to the respondents. Learned Counsel Shri P.B. Patil waives notice for respondent no.1. Learned AGP Shri Jadhavar waives notice for respondent nos.2 and 3. Service complete.

2. The petitioner is aggrieved by the order dated 19.10.2018 passed by School Tribunal, Nashik. Vide the said order, the School Tribunal has stayed the order passed by the petitioner Management on 19.09.2018. Vide the order dated 19.09.2018, the Management has demoted respondent no.1 to the post of Assistant

Teacher from the post of Head Master.

3. The learned Counsel for the petitioner submitted that, the interim stay so granted by the School Tribunal has been time to time extended by the Tribunal, however, Exh.5 application is not heard. The learned Counsel further submitted that, on the basis of the order passed by the School Tribunal, respondent no.1 has also filed the contempt petition. The learned Counsel further submitted that, after demoting respondent no.1 to the post of Assistant Teacher, the petitioner has appointed one Shri Kalyan Jaywantrao Wagh as in-charge Head Master, however, his said appointment has also been objected by the Education Officer. The learned Counsel submitted that, in fact, the said appointment was made prior to passing of the order dated 19.10.2018 by the School Tribunal.

4. Shri P.B. Patil, learned Counsel appearing for respondent no.1 submitted that, respondent no.1 has not yet handed over the charge of his post.

5. After having considered the submissions as above, it appears to me that, without going into the merits of the rival contentions raised by the parties, if the School Tribunal is directed to

decide interim relief application, it would meet the ends of justice. Hence, the following order.

ORDER

(i) The School Tribunal, Nashik shall hear and decide the application at Exh.5 in Appeal No.40 of 2018 as expeditiously as possible. Till then, Respondent No.1 shall not press the contempt petition filed by him.

(ii) It is clarified that, this Court has not entered into the merits of the rival contentions raised by the parties.

(iii) The Writ Petition stands disposed of with the aforesaid order.

(**PR. BORA, J.**)