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

WRIT PETITION NO. 359 OF 2018

Mrs. Lata S. Pachpor

.Petitioner

vs.

Shri Gurusingh Sabha & Ors.

.Respondents

Mr. S.N. Deshpande a/w Mrs. Swarna P. Munshi for the Petitioner.

Ms. M.S. Bane, AGP for the State.

CORAM : A.S. GADKARI, J.

DATE : 25th June 2019.

P.C.:

1] By the present petition under Article 227 of Constitution of India, the petitioner has taken exception to the Order dated 9th October 2017 passed below Exh.5 by the Presiding Officer, Additional School Tribunal in Appeal No.36 of 2017, rejecting the Application for interim relief. The main appeal is pending for final adjudication before the Presiding Officer, Additional School Tribunal, Navi Mumbai.

2] Heard the learned counsel for the petitioner and the learned AGP. Perused the record annexed to the petition.

3] The learned counsel for the petitioner submitted that, while passing the impugned Order, the Tribunal has made certain observations which are de hors of merits and not necessary to be

remained on record. He further submitted that, those observations would prejudice the case of the petitioner at the time of hearing of the main appeal.

4] As noted earlier, the impugned Order is an interim Order and the main appeal is pending for final adjudication before the said Tribunal.

In view thereof following Order:-

(I) The Presiding Officer, Additional School Tribunal, Navi Mumbai seized of Appeal No.36 of 2017 is hereby directed to expedite the hearing of the said appeal and to conclude the same within a period of three weeks from the date of receipt of the present Oder

(ii) The Presiding Officer of the School Tribunal is directed, not to take into consideration the observations made in Order dated 9.10.2017 passed below Exh.5 while hearing the appeal, as those are prima facie in nature and made while deciding interim Application filed by the Petitioner.

5] Application is partly allowed in the aforesaid terms.

(A.S. GADKARI, J.)