

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

**CIVIL APPLICATION NO.10156 OF 2021
IN RAST/13521/2021 IN WP/4414/2021
WITH CA/10157/2021 IN RAST/13521/2021 IN WP/4414/2021**

**THE APPELLATE AUTHORITY AND REGIONAL DEPUTY COMMISSIONER
AND OTHERS
VERSUS
THE PRESIDENT SANGAMESHWAR SHIKSHAN PRASARAK MANDAL AND
OTHERS**

...
Advocate for Applicants : Mr. K.P. Rodge
AGP for Respondent: Mr. Y.G. Gujrathi

...
CORAM : MANGESH S. PATIL, J.

DATE : 14.10.2021

PER COURT :

This is an application for review by the original petitioners of the order dated 09.03.2021 passed in Writ Petition, whereby, after hearing the learned advocate for the petitioners, the Writ Petition was permitted to be withdrawn simultaneously expediting the substantive Appeal preferred by the respondent No.3 under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.

2. The learned advocate Mr. Rodge submits that there were no instructions by the petitioners to withdraw the Writ Petition. When the Court dictated the order it was not audible and they come to know about the order only after it was uploaded on 12.03.2021.

3. It is a matter of record that the substantive proceeding between the contesting parties that is petitioners in the Writ Petition and the respondent No.3 therein in the form of an Appeal under Section 9 is pending before the Appellate Authority. The Writ Petition was filed only against an interim order. The question whether the Appeal preferred by the respondent No.3 was filed after a long delay is a matter which is to be gone into and decided by the Tribunal while hearing the Appeal. The impugned order does not speak anything about the delay that has occasioned in filing the Appeal by the respondent No.3.

4. It is in view of all the above state of affairs, apart from the fact that the impugned order is not susceptible to any review under the law, no prejudice is likely to be caused to the petitioner.

5. The Application is dismissed. The Civil Application No.10157/2021 is disposed of.

(MANGESH S. PATIL, J.)

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