

Vidya Amin

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

**INTERIM APPLICATION NO. 3094 OF 2021
IN
CIVIL APPLICATION NO. 693 OF 2019
IN
WRIT PETITION NO. 5319 OF 2018**

Progressive Education Society, through
its Chairman & Ors.

**... Applicants/
Petitioners**

V/s.

Dilip Dada Khandale & Ors.

... Respondents

Mr. Rakesh P. Saroj for the applicants.
Ms. Vaishali S. Nimbalkar, AGP for the State.

**CORAM : G.S.KULKARNI, J.
DATE : 26 October, 2021**

P.C.:

1. Not on board. Upon mentioning, taken on board on a
praecipe as moved on behalf of the petitioner.

2. This Interim Application has been filed praying for the
following reliefs:

"a) Rule be issued.

b) This Hon'ble Court may be pleased to set aside the
order dated 08.10.2021 passed below Exh.11, in
Miscellaneous Application No. 28 of 2021 by School
Tribunal, Pune.

c) This Hon'ble Court may be pleased to stay the
implementation, execution and operation of the said
impugned order, pending the hearing and final disposal of
the present Writ Petition and Civil Application"

3. The petition is filed challenging the judgment and order dated 23 March, 2018 passed by the Presiding Officer, School Tribunal, Pune Region, Pune in Appeal No. 62 of 2016 whereby the School Tribunal has ordered reinstatement of respondent no. 1 with full back wages. The writ petition was heard on interim reliefs on 29 October, 2018 when this Court (Smt. Sadhana S. Jadhav, J.) considering the earlier orders passed in this petition had rejected the prayers for interim reliefs. The petitioner, being aggrieved by the said order passed by this Court, had approached the Supreme Court in SLP No. 7140 of 2019. The Supreme Court, however, did not entertain such petition and it was dismissed with a direction that the petitioner are at liberty to approach this Court for expeditious disposal of the pending matter.

4. It is, accordingly, clear that there is no stay to the impugned order passed by the tribunal. Considering the clear orders passed by this Court on 29 October, 2018 and also the order dated 25 March, 2019 passed by the Supreme Court, reliefs as prayed for in this Interim Application cannot be granted. Interim Application is accordingly dismissed. No costs.

(G.S.KULKARNI, J.)