

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

**WRIT PETITION NO.8378 OF 2019**

Shri Shivaji Education Society,  
Amravati, through its Secretary  
Shri Sheshrao Shankarrao Khade,  
Aged about 68 years, Occ: Retired,  
C/o Shri Shivaji Education Society,  
Shivajinagar, Amravati.

**...PETITIONER**

**...VERSUS...**

- 1) Ku. Jaya Prahladrao Dhakite,  
Aged about 42 years,  
Occ: Service, Radha Krishna Colony,  
Morshi, Dist. Amravati.
- 2) The Headmaster,  
Jarud High School, Jarud,  
Tah. Warud, Distt. Amravati.
- 3) Education Officer (Secondary),  
Zilla Parishad, Amravati.

**...RESPONDENTS**

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Shri K.P. Mahalle, Advocate for petitioner.  
Shri Priyadarshan Parsodkar, Advocate for respondent no.1.  
Shri J.B. Gandhi, Advocate for respondent no.2.  
Shri K.L. Dharmadhikari, A.G.P. for respondent no.3.  
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**CORAM:- V. M. DESHPANDE, J.**  
**DATED :- 9<sup>th</sup> MARCH, 2021.**

**ORAL JUDGMENT**

**Rule.** Rule is made returnable forthwith. Heard finally  
by consent of the parties.

(2) Heard Shri Kuldeep Mahalle, learned counsel for  
petitioner, Shri Priyadarshan Parsodkar, learned counsel for

respondent no.1, Shri J.B. Gandhi, learned counsel for respondent no.2 and Shri K.L. Dharmadhikari, learned A.G.P. for respondent no.3.

(3) Respondent no.1 filed an appeal bearing Appeal STN No.68 of 2019 before the School Tribunal, Amravati with a prayer to quash and set aside the order of termination dated 21.11.2019 passed by the petitioner-Society. Along with the appeal, he filed an application for stay. The said application was decided by the Presiding Officer, School Tribunal, Amravati on 04.12.2019. The operative portion of the order is as under:

- “1) The effect of impugned termination order is stayed till further order on following conditions;*
- 2) The appellant to furnish solvent surety of Rs.1,00,000/- with undertaking that she will repay the amount of salary received hereinafter to the Management if, the result of the appeal goes against her;*
- 3) On the said compliance, the appellant shall be continued in service on her former post and the Management shall pay 50% of her regular per month salary till disposal of this appeal or till further orders;*
- 4) Any attempt on the part of appellant to prolong preseatn appeal would entail in vacating stay order;*
- 5) Both the parties and their Ld. Advocates to note this order and to comply accordingly;*
- 6) Considering facts of the case, both the parties are directed to expedite the matter;*

*7) Entire copy of this order be sent to Education Officer (Respondent No.3) for his information. Concerned clerk to comply Scrupulously and place acknowledgment copy on record.”*

(4) Against that, the present writ petition is filed.

(5) The appeal filed by respondent no.1 is pending. It is an admitted position that respondent no.1 is still working at Jarud High School.

(6) Learned counsel for the petitioner submits that in view of the pendency of the appeal, this Court may direct the learned Tribunal to decide the appeal filed on behalf of respondent no.1 as expeditiously as possible.

(7) Since the appeal is pending and respondent no.1 is working with respondent no.2 any observations on the merit of the matter from this Court will surely prejudice both petitioner as well as respondent no.1. In that view of the matter, I pass the following order:

### **ORDER**

i) The writ petition is disposed of with a direction to the Presiding Officer, School Tribunal, Amravati that Tribunal

shall decide the appeal on its own merits within a period of two months from 26.03.2021.

ii) Till that time interim order dated 04.12.2019 shall remain in operation.

Rule is made absolute in above terms. No order as to costs.

**JUDGE**

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