

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

940 WRIT PETITION NO.9048 OF 2022

**GIRNA VIDYA PRASARAK MANDAL THROUGH ITS PRESIDENT
SARJERAO SHIVRAM SALUNKHE AND OTHERS
VERSUS
KIRAN BHATA JADHAV AND ANOTHER**

...
Advocate for Petitioners : Mr.Tripathi Sushilkumar H.
Advocate for Respondent No. 1 : Mr.V. B Garud
AGP for Respondent No. 2-State : Mr. S.N.Morampalle
...

CORAM : SANDEEP V. MARNE, J.

DATE : 13.10.2022.

PER COURT :

1. By the present petition the petitioners challenges the order dated 08.04.2022 passed by the Presiding Officer School Tribunal, Nashik on injunction application below Exh. 5 in appeal No. 21 of 2019. By that order the Tribunal has granted stay to the termination order dated 05.07.2019.

2. Mr.Tripathi, learned Counsel appearing for the petitioner submits that grant of interim order by the School Tribunal amounts to grant of final relief in favour of the respondents. He relies upon the decision of the Apex Court in **Kukhiya Karyapalak Adhikari, U.P. Khadi Tatha Gramodyog Board Karmit Anubhag Lucknow and Anr. Vs. Santosh Kumar 2012 SC (Supp) 395** in support of his contention.

3. While there can be no debate that the order of termination of service of an employee should ideally not stayed during the pendency of the proceedings to challenge the termination order. The difficulty for the petitioners in the present petition is that, no Disciplinary Proceedings appeared to have been conducted while imposing punishment of termination from service on the respondent, who admittedly is a permanent employee.

4. Therefore, in my opinion, the School Tribunal has rightly made a departure from the settled principal of law and has proceeded to stay the termination order.

5. There is no error committed by the School Tribunal while passing the order dated 08.04.2022. The petition is devoid of any merits and the same deserves to be dismissed. The only prayer Mr. Tripathi learned Counsel for petitioners is that the School Tribunal to be directed to decide the pending appeal as expeditiously as possible.

6. Accordingly, the present petition is dismissed with a request to the School Tribunal to expedite the hearing of the appeal and make an endeavour to decide the same within a period of two

months from today.

7. It is made clear that the findings recorded in this order are prima-facie and the School Tribunal shall not be influenced by the same while deciding the appeal finally.

(SANDEEP V. MARNE)
JUDGE

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