

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

WRIT PETITION NO. 4266 OF 2022

Mahatma Mungsaji Education Society Vs. Gopal Gajadharsingh Thakur and anr

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.S.Patil, Advocate for Petitioner

Mrs.R.S.Sirpurkar, Advocate for respondent No.1.

CORAM : AVINASH G. GHAROTE, J.
DATE : 05/08/2022

1] The petition questions the order dated 8.7.2022 (page 64), which partly allowed the application for stay of the order of suspension filed by Respondent No.1 before the School Tribunal.

2] What is material to see is that the services of the respondent No.1 already stood terminated by the order dated 1.10.2020, which has been challenged before the School Tribunal. In an application seeking stay of the order of termination, it was impermissible for the School Tribunal to have directed payment of subsistence allowance to the respondent No.1. The impugned order therefore cannot be sustained, the same is accordingly quashed and set aside.

3] Since it is apparent that the School Tribunal has not decided the application on its merit, considering the relief which is claimed, the learned School

(2)

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Tribunal is directed to decide the application for stay, afresh.

4] The writ petition is allowed in above terms.
No costs.

JUDGE

Rvjalit