

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO.11528 OF 2023

MULTANI BAHUUDSHIYA SHIKSHAN SASNTHA THROUGH ITS
PRESIDENT SECRETARY AND ANOTHER
VERSUS
DIPAK RAOSAHEB SHIRSATH AND OTHERS

Advocate for Petitioners : Senior Counsel Mr. V. D. Hon i/b Mr. A. D.
Shinde
AGP for Respondents-State : Mr. K. N. Lokhande
Advocate for Respondent No.1 : Mr. R. I. Wakade

CORAM : ARUN R. PEDNEKER, J.
DATE : 26/09/2023

PER COURT :

Heard the learned Advocate representing the respective parties.

2. The learned Advocate for the petitioners submits that he has taken preliminary objection before the Tribunal as regards he being made a party to the application. The Tribunal has passed the impugned order holding that the petitioner is necessary party to petition as the transfer of the school is undertaken from earlier Management to the petitioner and prima facie the petitioner is held to be bound by the liabilities of earlier Management. As this is an interim order, I have not interfered in the same and it is open to the petitioner to canvass as and when the occasion arises after the final orders are passed, by the Tribunal.

3. The Tribunal has passed an order rejecting the petitioners

preliminary objection and has permitted the respondent No.1 therein to file its reply. No say order against the respondent No.1 before the Tribunal is set aside and the respondent is permitted to contest the matter and the reply was also on record.

4. The learned Advocate appearing for the original applicant before the Tribunal/present respondent No.1 has no objection if the reply of the petitioner is also taken on record and the matter be heard on merits. In view of the same, the petitioner permitted to file reply within a period of 2 weeks from today.

5. On the reply being filed by the petitioners, the Tribunal to proceed in the matter in accordance with law and decide the matter expeditiously.

6. All contentions are left open other than preliminary objection. As far as the preliminary objection is concerned, the petitioner will be liberty to raise his grievance before this Court after the final order is passed.

7. The petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.