

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

WRIT PETITION NO.2617 OF 2022

Mrs. Gracy Wilson Marian

Petitioner

Versus

The Principal, Aadua High School & Ors.

Respondents.

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Mrs. Anu C. Kaladharan for Petitioner.

Mr. S. D. Rayrikar, AGP for Respondent-State.

...

CORAM: SANDEEP V. MARNE, J.

DATE : 14 SEPTEMBER 2023.

P. C.:

By this petition, Petitioner challenges order dated 24 January 2022 passed by the School Tribunal rejecting her application for seeking interim relief of reinstatement during pendency of the appeal. In her appeal, Petitioner has challenged the order of termination with effect from 14 June 2019. Petitioner is terminated from services on the ground of not possessing the qualification of TET. It appears that the issue as to whether qualification of passing TET is mandatory or not is pending before Full Bench of this Court. In that view of the matter, the School Tribunal has adjourned the appeal *sine die*.

2. Since the issue of possession of qualification TET goes to the very root of Petitioner's appointment, till said issue is finally decided by Full Bench of this Court, Petitioner cannot claim the relief of

reinstatement in service and the Tribunal has rightly rejected the application for reinstatement.

3. Petitioner has placed reliance on the judgment of this Court in **Maharashtra Shikshan Sanstha, Nagpur & Anr. Vs. Education officer, Zilla Parishad, Nagpur & Ors.**, 1995(1) Mh.L.J. 875. In that judgment Division Bench of this Court held that the Tribunal is clothed with all the necessary powers to grant interim relief including the relief of reinstatement during pendency of appeal. While there can be no dispute about the proposition that Tribunal is vested with all the powers to pass order of interim relief, whether to grant mandatory interim injunction of reinstatement would depend upon facts and circumstances of each case. In the present case, grant of interim relief of reinstatement during pendency of appeal is clearly unwarranted. If the Full Bench ultimately takes a view that qualification of TET is necessary, Petitioner's appointment itself would be rendered illegal she will not be entitled to reinstatement in the service. In that view of the matter no error in the order passed by School Tribunal is found. Petition being devoid of merit, is disposed of without any order as to costs.

SANDEEP V. MARNE, J.

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