

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

WRIT PETITION NO.10294 OF 2023

Snehawardhak Mandal, Narpad & Anr.	...Petitioners
Versus	
Shri. Shatrughna S. Kamble & Ors.	...Respondents

Mr. Prashant Bhavake a/w. Mr. Utkarsh Desai, for the Petitioners.

Mr. Chetan Mali, for Respondent No.1.

Mr. P. G. Sawant, AGP for the Respondent Nos. 2 & 3-State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 28th AUGUST 2023

P.C. :

1. Heard Mr. Bhavake, learned counsel appearing for the Petitioners. After arguing the Writ Petition, he states that he has instructions to withdraw the Writ Petition.

2. The impugned order in the Writ Petition is dated 4th July 2023 passed by the learned Presiding Officer, School Tribunal, Mumbai by which, the Exhibit-5 application filed in Appeal No.61 of 2023 has been allowed. The learned Presiding Officer by way of interim relief stayed the implementation of order of Petitioner No.1-Management dated 22nd May 2023 and consequently Petitioners are directed to reinstate the present

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Respondent No.1 i.e. the Appellant-Shatrughna S. Kamble on the post of Head Master of the Petitioner No.1-School immediately. The impugned order is dated 4th July 2023. The present Writ Petition has been filed on 10th August 2023. Till date, the impugned order is not complied with.

3. It is further significant to note that by order dated 14th April 2022, Respondent No.1 was appointed as Head Master. As the Petitioner No.1-School took actions to promote the present Petitioner No.2 as the Head Master, the Respondent No.1 filed Appeal No.21 of 2022 before the School Tribunal. By the joint application/pursis filed in said Appeal No.21 of 2022 by the present Petitioners and the Respondent No.1, the said order dated 14th April 2022 has been accepted by both the Petitioners and it has been mentioned that Appellant i.e. present Respondent No.1-Shatrughna S. Kamble continues in the post of Head Master as held by him and accordingly the said Appeal No.21 of 2022 was withdrawn. It is further significant to note that without taking any permission from the Tribunal, in said Appeal No.21 of 2022, the management has passed order dated 22nd May 2023 stating that the order appointing him on the

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post of Head Master has come to an end in view of Government Resolution dated 24th March 2023 and directing him to handover the charge of the Head Master to the present Petitioner No.2. The effect of said letter dated 22nd May 2023 is stayed by the learned Presiding Officer, School Tribunal, Mumbai by impugned order dated 4th July 2023 and the present Petitioners were directed to reinstate the Respondent No.1 on the post of Head Master of the Petitioner No.1-School immediately. Consequence of withdrawal of the present Writ Petition is that, said order dated 4th July 2023 has attained finality. Clause No.3 of said order of learned Presiding Officer states that copy of the said order be sent to the Respondent No.2 i.e. Education Officer (Secondary) of Palghar Zilla Parishad, Palghar for necessary action.

4. As Mr. Bhavake, learned counsel appearing for the Petitioners seeks withdrawal of the Writ Petition, the Writ Petition is allowed to be withdrawn and dismissed as such. Resultantly, the challenge to the order dated 4th July 2023 of the learned Presiding Officer, School Tribunal, Mumbai fails.

5. To ensure the compliance of the order passed by the

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learned Presiding Officer, School Tribunal, Mumbai, stand over
to 30th August 2023.

[MADHAV J. JAMDAR, J.]