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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7216 OF 2023**

Shree Hanuman Lokseva Mandal through ... Petitioners
President and Anr

vs.

Uttam Prabhakar Karande and Anr ... Respondents

Mr. Rahul Shivaji Kadam, for Petitioners.

Mr. Prasad B. Kulkarni for Respondent.

Mr. S.L. Babar, AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 1st MARCH, 2024

P.C. :-

1. Heard.
2. Learned counsel for the petitioners have raised an objection that the School Tribunal will not have jurisdiction to decide the appeal. In support of his submissions, he relies upon the decision of full bench in the case of ***St. Ulai High School and Another Vs. Devendraprasad Jagannath Singh¹***.
3. The order impugned in the petition is an interim order. By the order impugned, the Tribunal has passed following order:

1 2007(1) Mh.L.J.

“ ORDER

1. The application is partly allowed.
2. The order of reduction in the rank from the post of headmaster of appellant issued by respondent No.1 on the basis of order of respondent No.2 on dt. 21/01/2023 and appointment of respondent No.2 as headmaster issued by respondent No.2 as prayed in terms of prayer clause 'C' is stayed till the decision of the appeal.
3. The application is disposed of accordingly.”
4. The appeal is still pending before the Tribunal. Hence, the arguments of the petitioner on the point of jurisdiction can always be raised before the Tribunal. On the point of jurisdiction as argued on behalf of the petitioner, I do not see any reasons to invoke Writ Jurisdiction for interfering in the impugned order. The Tribunal has recorded reasons to hold that the issue of seniority and approval needs to be examined in appeal and serious prejudice will be caused to the respondent no.1, if interim relief is not granted. It will always be open for the petitioner to raise the objection on the point of jurisdiction before the Tribunal alongwith the other issues.
5. Hence, the petition can be disposed of with liberty to the petitioner to raise the objection of jurisdiction in the pending appeal before the tribunal. Hence, the petition is dismissed.

6. The petitioner is at liberty to raise the issue of jurisdiction alongwith the other issues in the appeal. It is clarified the rival contentions of the parties on the point of jurisdiction are kept open.

(GAURI GODSE, J.)