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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10344 OF 2023**

Prakash Bhagwan Jadhav

... Petitioner

Vs.

Shri Sainath Shikshan Sanstha

... Respondent

Himalaya Soc. Road through its
President/Secretary and Others

Mr. Mihir Desai, Senior Advocate a/w. Mr. Sagar Ashok Mane for the
Petitioner.

Mr. M. S. Topkar a/w. Ms. Pavitra Manesh for Respondent Nos. 1
and 2.

Ms. M. P. Thakur, AGP for Respondent No. 3 – State.

CORAM : GAURI GODSE, J.

DATE : 23rd JANUARY 2024

P.C.

1. Heard. This petition is circulated on behalf of respondent nos. 1 and 2 as there is interim relief granted by this court staying the termination of the services of the petitioner.

2. Learned counsel for respondent nos. 1 and 2 submitted that by the order impugned in the petition, the School Tribunal refused to grant

ex-parte interim relief to the petitioner. He states that the application for interim relief is still pending before the School Tribunal. He therefore submits that the matter may be remitted back to the School Tribunal for deciding the application for interim relief after hearing respondent nos. 1 and 2.

3. It is not in dispute that the application at Exh. 5 for interim relief is still pending before the School Tribunal. Both the parties agree that the parties will co-operate for early disposal of the interim application at Exh. 5 pending before the School Tribunal.

4. Learned counsel for respondent nos. 1 and 2 state that written statement on behalf of the respondent nos. 1 and 2 **shall be filed on or before 7th March 2024** and hence interim application can be heard on the basis of the written statement.

5. Hence, to enable the parties to argue the interim application at Exh. 5 before the School Tribunal, the interim protection granted by this court on 19th August 2023 to continue **during the pendency of the application at Exhibit 5.**

6. Both the parties assure that the parties will co-operate for early disposal of the interim application at Exh. 5 pending before the School Tribunal.

7. In view of the aforesaid, no further directions are necessary in the petition. Hence petition is disposed of in the above terms.

8. It is clarified that I have not examined the merits of the application at Exh. 5, hence all contentions of both the parties are kept open.

9. Petitioner is at liberty to make appropriate application for fixing date of hearing of application at Exh. 5 . Such application to be filed within two weeks.

[GAURI GODSE, J.]