

Appeal No.06 of 2025

Mrs.Nazish Farhana Abdul Rehman Shaikh ..Appellant

..Vs..

President/Secretary, Anjuman-I-Islam,  
D.N.Road, Mumbai and Others ..Respondents.

**Order below Exh.20  
(Dated 12<sup>th</sup> January 2026)**

1) This is an application moved by the Respondent No.2 for granting temporary injunction against Appellant for restraining her from contacting parents of the students who have filed complaints against Appellant/her.

**Case of the Respondent No.2 is as under:-**

2) Respondents have filed copies of complaints on record moved by the parents of the students to the school against Appellant. After receiving copies of complaints filed by the parents of the students, Appellant started contacting with parents (who have moved complaints against her) and started pressuring them to withdraw complaints. Appellant also informed parents that if they have not withdrawn complaints filed against her with the school, they will be called in the Court/Tribunal and at the conclusion of the matter/Appeal, they will be sent to jail for three months. Appellant is using coercion and creating psychological pressure on minds of the parents to withdraw complaints. So the act pressuring and using coercion by the of the Appellant during pendency of this Appeal adversely affects fair trial in this matter. The act of

Appellant amounts contempt of Court, therefore for fair and proper trial, inquiry and decision of this Appeal, it is necessary to restrain Appellant from contacting the parents who have moved complaints against Appellant to the School Management.

**Case of the Appellant are as under:-**

3) The Appellant has filed say to this application at Exh.22 and resisted application. Appellant denied that after receiving copies of the complaints filed against her by the parents, she started contacting and pressurizing parents to withdraw complaints. She has also denied that she is pressuring parents and intimated them that they will be called before Tribunal and Tribunal will send them in jail for the period of 3 months. It is denied that Appellant is interfering in the administration of justice.

4) It is case of the Appellant that, parents to whom Appellant allegedly threatened and pressured to withdraw complaints are not parties to this proceeding, therefore Management of the school cannot file any application on their behalf and cannot pray for injunction before this Tribunal. No prima facie case is made out by the Respondent No.2. There is no iota of evidence on record to show that indeed Appellant has contacted to any of the parents and pressurized them to withdraw complaint filed by them against Appellant. Lastly Appellant prayed for rejection of this application.

5) Heard learned counsel for Respondent No.2 Shri.Praful Paranjape and learned counsel Shri.Y.G.Pawar for Appellant.

6) Following points arise for my determination, I have recorded my findings against each of them with reasons as follows:-

	<b><u>POINTS</u></b>	<b><u>FINDINGS</u></b>
1)	Whether the Respondent No.2 has prima facie case?	...In the negative.
2)	Whether balance of convenience is in favour of Respondent No.2?	...In the negative.
3)	Whether Respondent No.2 will suffer from irreparable loss in the event of rejection of this application?	...In the negative.
4)	What order?	...As per final order.

### **REASONS**

#### **AS TO POINT NO.1:-**

7) At the outset, I have to mention here that Respondent No.2 has not mentioned any section under which Respondent No.2 has moved this Application. However, it appears that application is filed U/s.10 of MEPS Act, 1977. Therefore, this Tribunal is considering that this application is U/s.10 of the MEPS Act.

At this juncture, it is necessary to reproduce Section 10 of MEPS Act which reads as under:-

#### **10. General Powers and Procedure of Tribunal.**

(1) For the purposes of admission, hearing and disposal of appeals, the Tribunal shall have the same powers as are vested in an Appellate Court under of the Code of Civil Procedure, 1908, and shall also have the power to stay the 1908. operation of any order against which an appeal is made, on such conditions as it may think fit to impose and such other powers as are conferred on it by or under this Act.

(2) The Presiding Officer of the Tribunal shall decide the procedure to

be followed by the Tribunal for the disposal of its business including the place or places at which and the hours during which it shall hold its sittings.

(3) Every appeal shall be decided as expeditiously as possible. In every case, endeavour shall be made by the Tribunal to decide an appeal within three months from the date on which it is received by the Tribunal. If the Tribunal is unable to dispose of any appeal within this period, it shall put on its record the reasons therefor.

8) On perusal of Section 10 of MEPS Act, it is clear that, this Tribunal has vested same powers which are vested in the Appellate Court under the Code of Civil Procedure 1908. This Tribunal has power to stay operation of any order against which Appeal is filed. As powers of Appellate Court are vested in this Tribunal, Tribunal can grant injunction type relief.

Here in the matter, Appeal is against termination order and only question before this Tribunal in the Appeal is that, whether impugned termination order of Appellant is legal and proper? Under such circumstances, I am afraid that this Tribunal can grant injunction so as to restrain Appellant from contacting with parents who have moved complaints against her with the School Management.

9) According to Respondents, Appellant is interfering in the administration of justice by contacting with the parents who have moved complaints against Appellant, but I really failed to understand how the act of Appellant is causing interference in the administration of justice. Thus, in my view the prayer in the application has no bearing on the matter in hand. Hence, in such circumstances prayer of injunction is not maintainable.

10) Apart from above discussion and assuming that this Tribunal can grant relief against Appellant when only issue of legality of the termination order is before the Tribunal. According to Respondent No.2 Appellant is threatening to the parents and using coercion and pressurizing them to withdraw complaints.

11) Respondent No.2 has filed complaints moved by the parents against Appellant, on record. On perusal of complaints (except complaints which are in urdu language), it appears that parents were dis-satisfied with the teaching, manner of teaching and behavior of the Appellant. It is their allegations that she was not doing her duty properly. Every time she is in angry mood. Due to her behaviour students are scaring and they do not want to attend her class.

12) In my view, if Appellant is contacting the parents and committing any offence abusing them, parents can file complaint/report with Police Station against Appellant. Parents can block Appellant's mobile number, so that she cannot contact with them. No document/call recording is filed on record to show that Appellant was contacting with parents, pressurizing them and committing such acts, which are not expected from teacher.

13) Appellant has denied that she has contacted to the parents, therefore it was duty of the Respondent No.2 to bring some thing on record in support of their contentions in the application. But no document/evidence is on record. If Appellant is contacting with parents and threatening them, School Management and

Parents are liberty to take appropriate action against Appellant and knock doors of proper forum for redressal of their grievances. In my view, there is no prima facie case in favour of the Respondent No.2 for granting injunction as prayed. Hence I answer Point No.1 in the negative.

**AS TO POINT NOS.2 & 3:-**

14) While discussing Point No.1 I observed that Respondent No.2 has no prima facie case, therefore balance of convenience is not in favour of the Respondent No.2.

15) So far as irreparable loss is concerned, if the application is rejected no loss in the eye of law will be caused to the Respondent No.2. Accordingly, I answer Point No.2 & 3 in the negative

In view of the negative findings for Point Nos.1 to 3, application is liable to be rejected. Accordingly following order.

**ORDER**

1. Application stands rejected.
2. Considering facts and circumstances of the case matter is expedited.

**Date:- 12/01/2026.**

**Place:- Pune.**

**(D.R. Dande)  
Presiding Officer,  
School Tribunal, Pune.**