

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).25176/2007

(From the judgement and order dated 04/12/2007 in WP No. 5360/2007  
of The HIGH COURT OF BOMBAY AT AURANGABAD)

SHREE SAMARTH VIDYA PRASARAK MANDAL

Petitioner(s)

VERSUS

RATNAMALA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T.,vacating  
stay,permission to place addl. documents on record and prayer for  
interim relief )

WITH CONMT.PET.(C) NO. 161 of 2008

(With prayer for interim relief)

Date: 09/10/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

Mr. Vinayak J. Dixit, Sr. Adv.  
Mr. Nishant Katneshwarkar, Adv.for  
Mr.Sunil Kumar Verma,Adv.

For Respondent(s)  
& for petitioner  
In CP 161/2008

Mrs.Jayashree Wad, Adv.  
Mr. Ashish Wad, Adv.  
Mr. Chirag S.Dave, Adv.  
Mr. Satya Vikram, Adv.  
Mr. Sameer, Adv.for  
M/S. J.S. Wad & Co.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The Appeal is allowed in terms of the signed order.  
No costs.

The Contempt Petition is dismissed.

(Parveen Kr. Chawla)  
Court Master

(Indu Satija)  
Court Master

[Signed Order is placed on the File]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6917 OF 2009  
(Arising from S.L.P.(C) No.25176 of 2007)

Shree Samarth Vidya Prasarak Mandal

..Appellant

versus

Ratnamala & Others

..Respondents

WITH

O R D E R

Heard learned counsel for the parties.

Evidently, after the respondent No.2 had been suspended, an enquiry was held and on 24th March, 2008, her service was terminated on the basis of the findings of the Enquiry Officer. Respondent No.1 has challenged the termination order by way of an appeal before the School Tribunal which is still pending.

In our opinion, the impugned order has to be set aside because whatever pleas respondent No.1 wants to take in this appeal against the show cause notice and suspension order can now be taken in the appeal against the termination order, pending before the School Tribunal.

Accordingly, this appeal is allowed and the impugned judgment of the High Court is set aside with liberty to  
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take all pleas in the appeal against the termination order before the School Tribunal. No costs.

Since, we have allowed the appeal, the Contempt Petition is dismissed.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
OCTOBER 09, 2009.

.....J.  
[ASOK KUMAR GANGULY]