

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3619 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHREE SHREYAS EDUCATION TRUST

Versus

MADHUBEN DINESHBHAI VYAS

Appearance:

MR PB MAJMUDAR for Petitioners

SERVED for Respondent No. 1

MR PRANAV G DESAI for Respondent No. 2

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 30/09/97

ORAL JUDGEMENT

In spite of notice, respondent No.1-Madhuben Dineshbhai Vyas has not chosen to appear. It is contended by the learned Advocate that the petitioner does not even fulfil the minimum qualification for appointment as Primary Teacher and the tribunal has committed error in granting the relief which amounts to virtually allowing the petition.

2. I have gone through the impugned order. It is not desirable to make any observation with respect to qualification of the respondent, more particularly in her absence and further the fact that the matter is still pending with the Tribunal. Suffice it to say that the relief granted by the tribunal amounts to final adjudication.

3. In view of the above, the impugned order dated 25.4.1997 is quashed and set aside. The tribunal will decide the main matter within six months from the date of receipt of the writ.

Rule is made absolute accordingly.

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m.s.p.