

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 455 of 2014**

Shat Pratishat Anudan Prapt Shikshak Evam Karmachari Samiti, Through its Secretary, Gudhiyari, Raipur District Raipur, Chhattisgarh.

**---- Appellant****Versus**

1. Shri Mahabir Shiksha Prasara Samiti, a registered society having its registered office Gudhiyari District Raipur, Chhattisgarh Through the President: Sitaram Sultania, son of Late Shri Hariram Sultania, aged about 63 years, resident of Hari Kripa Kachna Road, Shanker Nagar, Raipur, Thana Civil Lines, Post Shankar Nagar, District Raipur, Chhattisgarh.
2. State of Chhattisgarh, Through the Secretary, Department of School Education, Mahanadi Bhawan, Mantralaya Naya Raipur, Mandir Hasaud, District Raipur, Chhattisgarh.
3. Directorate of Public Instructions, Through Commissioner, Vivekanand Nagar, Raipur, District Raipur, Chhattisgarh.
4. District Education Officer, Raipur, District Raipur, Chhattisgarh.
5. Shri Mahabir Higher Secondary School, through its Principal Gudiyari, Raipur, District Raipur, Chhattisgarh.
6. Shri Mahabir Primary School, through its Principal Gudiyari Raipur, District Raipur, Chhattisgarh.

**---- Respondents**


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|--------------------------|---|-----------------------------------------------------|
| For Appellant            | : | Shri Sunil Pillai, Advocate.                        |
| For Respondent/State     | : | Shri B. Gopa Kumar, Deputy Advocate General.        |
| For Respondents 1, 5 & 6 | : | Shri Amrito Das and Shri Abhyuday Singh, Advocates. |

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**Hon'ble Shri Navin Sinha, Chief Justice**  
**Hon'ble Shri Justice P. Sam Koshy**

**Judgment on Board****27/10/2015**

1. The present appeal arises from order dated 15.10.2014 allowing Writ Petition (C) No. 800 of 2013 holding that the impugned order dated 7.5.2013 vesting the management of Mahabir Primary School, Gudhiyari from class 1 to 5 and Mahabir Higher Secondary School, Gudhiyari from class 6 to 12 in the Appellant-Society was not sustainable as having been passed in violation of

principles of natural justice without hearing Respondent No. 1.

2. Learned Counsel for the Appellant submits that at this stage, he makes a limited submission that if the impugned order was found to be bad procedurally having been passed in violation of principles of natural justice, the Learned Single Judge ought to have remanded the matter for fresh decision in accordance with law. In absence of such direction given specifically, it may be construed as finality when interference was only for procedural reasons.

3. We have heard Learned Counsel for the State and the Respondent No. 1 also.

4. It was submitted that the order under appeal calls for no interference as admittedly, it was passed in violation of principles of natural justice.

5. Having considered the submissions and noticing the opinion of the Learned Single Judge that the impugned order dated 7.5.2013 was procedurally flawed as having been made in violation of principles of natural justice, we only clarify the impugned order by adding that the matter is remanded to the authority concerned for taking a fresh decision in accordance with law after hearing the Appellant and the Respondent No. 1, preferably within a maximum period of four months from the date of receipt and/or production of a copy of this order, if not already done as directed.

6. The appeal stands disposed.

Sd/-  
(Navin Sinha)  
**CHIEF JUSTICE**

Sd/-  
(P. Sam Koshy)  
**JUDGE**