

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10659 OF 2012
WITH
CIVIL APPLICATION NO. 2109 OF 2014

Nandikeshwar Education Society .. Petitioner
versus
Vithal Shiva Chavan & Anr. ..Respondents

WITH
WRIT PETITION NO. 10660 OF 2012
WITH
CIVIL APPLICATION NO. 2110 OF 2014

Nandikeshwar Education Society .. Petitioner
versus
Maya Namdeo Chavan & Anr. ..Respondents

WITH
WRIT PETITION NO. 10662 OF 2012
WITH
CIVIL APPLICATION NO. 2112 OF 2014

Nandikeshwar Education Society .. Petitioner
versus
Adinath Pandurang Aghav & Anr. ..Respondents

WITH
WRIT PETITION NO. 10661 OF 2012
WITH
CIVIL APPLICATION NO. 2111 OF 2014

Nandikeshwar Education Society .. Petitioner
versus
Ashatai Bhagwan Bhosale & Anr. ..Respondents

Mr. Ajay Madgum i/b. Mr. S. S. Patwardhan for Petitioners in all
Petitions.

Mr. M. S. Topkar for Respondent No. 1 in all Writ Petitions and for
Applicants in C.A.

CORAM : M. S. SONAK, J.
DATE: 03 MARCH 2015

P.C. :-

1] In the order admitted these petitions on 12 March 2014, this court had observed thus :

*"2. I have perused the reasoning of the Tribunal. Prima facie these appear to be only conclusions unsupported by any discussion. It has been placed on record that the respondents had approached the State authorities for appointment of Administrator on the petitioner management, one of the reason being their suspension. It appears prima facie from the Judgment of the School Tribunal that the School Tribunal has mechanically applied the ratio laid down in the case of **Bhagwanrao Vyawhare**.*

3. The learned counsel for the respondents has no instructions as to whether the petitioner could be remanded back or permission be given to the petitioner to hold a de novo enquiry.

4. Rule. Interim relief in terms of prayer clause (b). Liberty to apply to the respondents in case they are agreeable for remanding back the proceedings or permission to hold a de novo inquiry in a time-bound period."

2] The contesting respondents, in each of these petitions have taken out the civil applications, stating that they would have no objection if the impugned orders made by the Tribunal are set aside and the matters are remanded to the Tribunal to decide, by recording reasons whether the petitioners should be refused or granted permission to hold *de novo* enquiry against the contesting employees and if yes on what terms and conditions?

3] In view of the aforesaid, the impugned orders are quashed and set aside. The matters are remanded to the School Tribunal to decide by recording reasons whether the petitioner – employer should be granted or refused permission to hold *de novo* enquiry against the contesting employees and if so, then on what terms and conditions.

4] The Tribunal is directed to decide the matters within a period of four months from today.

5] Parties to appear before the Tribunal on 23 March 2015 at 11 a.m. to obtain directions.

6] It is clarified that this Court has not examined the merits of the matters and all contentions of all parties are left open for decision by the School Tribunal.

- 7] Rule is disposed of accordingly in all the petitions.
- 8] In view of the disposal of the writ petitions, civil applications not survive and are disposed of.
- 9] All parties to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)

Chandka