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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3593 OF 2016

Ambegaon Taluka Vidya Vikas Mandal & Anr. ...Petitioners
V/s.
Dhananjay H. Patkar & Ors. ...Respondents

Mr.S.V. Pitre i/b Mr.Murlidhar Kale for the Petitioners.

Mr.Dhairyasheel Sutar for the Respondent No.1.

Ms.Vaishali Nimbalkar, A.G.P. for the State – Respondent Nos.2 and 3.

CORAM : R.D. DHANUKA, J.
DATE : 27TH JUNE, 2016.

P.C. :-

1. By consent of petitioners and the respondent no.1, the following order is passed :
2. The order dated 6th February, 2016, passed by the school tribunal is substituted by the following order :-
 - a). The respondent no.1 undertakes to appoint his nominee in the enquiry committee within a period of two weeks from today and shall communicate his name to the management simultaneously.
 - b). The management as well as the respondent no.1 shall co-operate with each other and with the enquiry committee in

conducting the enquiry proceedings expeditiously.

c). The management has agreed to furnish a copy of the charge sheet and all the documents which the management had proposed to rely upon before the enquiry committee to the learned advocate representing the respondent no.1 within 15 days from today. It is agreed by and between the parties that the enquiry should be re-commenced from the stage it was left before the impugned appeal was filed by the respondent no.1 before the school tribunal. The respondent no.1 has agreed to cross-examine the last witness, who was in witness box before conclusion of the enquiry and all other witnesses as may be examined by the management. The respondent no.1 is also at liberty to examine witness/s he desires to examine. The list of such witness/s shall be furnished to the management in advance.

d). The enquiry committee shall submit the report in accordance with law after considering the documentary evidence as well as oral evidence led by the parties. The enquiry committee shall make an endeavor to conclude the enquiry within four months from the date of re-commencement of the enquiry proceedings. No unnecessary adjournment shall be granted by the enquiry committee to any of the parties.

3. The writ petition is disposed of in aforesaid terms. It is

made clear that the enquiry committee shall submit a report without being influenced by the observations and conclusions drawn by the enquiry committee earlier and in the order passed by the school tribunal.

4. In view of the aforesaid order, it is made clear that the letter of termination issued by the management and the order of reinstatement granted by the school tribunal is set aside. The management shall pay subsistence allowance to the respondent no.1 payable, if any, as per the provisions of law during the pendency of the enquiry.

5. No order as to costs.

(R.D. DHANUKA, J.)