

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT EPTITION NO.4319 OF 2014

(Krandarshi Shikshan Prasarak Mandal and another ..vs.. Shri Bapurao s/o Ganpati Nannaware and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATED : 12-01-2016

Heard Shri S.B. Tiwari, learned Advocate holding for Shri R. Vyas, Advocate for the petitioners, Shri T. Rahul, learned Advocate for the respondent No.1 and Shri K.R. Lule, learned Assistant Government Pleader for the respondent Nos.3 and 4.

2. The management/employer has challenged the order passed by the School Tribunal allowing the appeal filed by the respondent No.1/employee setting aside the termination order and directing the employer to reinstate the employee with full back-wages.

3. The employee filed the appeal before the School Tribunal making grievance that his services were illegally terminated without there being any enquiry as required by the provisions of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981. The employer filed the written statement and opposed the claim of the employee. After hearing the concerned

parties and considering the documents placed on the record, the School Tribunal has recorded that the services of the employee were terminated without conducting enquiry and therefore, the termination order is unsustainable.

4. In spite of the pleadings of the employee and the finding recorded by the School Tribunal that enquiry has not been conducted by the management/employer, the employer has not placed any material on the record to substantiate that enquiry was conducted against the employee. The learned Advocate for the petitioners has not been able to point out that the employee was given intimation about the date and place of enquiry. The findings of fact recorded by the School Tribunal cannot be faulted. I see no reason to interfere with the impugned order. The petition is dismissed. In the circumstances, the parties to bear their own costs.

JUDGE