

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4952 OF 2018

Shikshan Prashasak Mandal, Pune & Ors. ...Petitioners
Vs.
Mr.Gangasagar Gangadharrao Deshmukh & Ors. ...Respondents

Ms.Neeta Karnik with Payal Jain and Riba Vasudevan for Petitioners.
Mr.Prathamesh Bhargude for Respondent No.1.
Ms.Vaishali Nimbalkar, AGP for Respondent Nos.2 and 3.

CORAM : S.C. GUPTE, J.

DATE : 2 AUGUST 2018

P.C. :

After the matter is heard at some length, it is agreed between learned Counsel for both sides that the writ petition may be disposed of in terms of the following order and it is, accordingly, ordered as follows :

(I) The impugned order of the School Tribunal at Pune dated 23 February 2018 is quashed and set aside and Appeal No.5/2016 is remanded to the School Tribunal for a fresh hearing on merits in accordance with law. It is made clear that the School Tribunal, whilst testing the merits of the termination order, must, amongst other things, consider the inquiry proceedings and the report of the inquiry committee, on the basis of which the school management has passed the impugned termination order. It will be open to either parties to produce such further evidence or material before the School Tribunal, as they may choose to.

(II) The School Tribunal at Pune shall hear the parties and decide the appeal expeditiously.

(III) Considering the fact that at this moment, there is no presiding officer holding charge of this School Tribunal, liberty to the Respondent teacher to apply for suitable directions from this court.

(IV) All rights and contentions of the parties on merits are kept open.

(V) The petition is disposed of.

(S.C. GUPTE, J.)