

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11454 OF 2019

Yashwant Bahuuddeshiya Sevabhavi Sanstha ... Petitioner

Versus

Vishnudas S/o. Bhagwanrao Mote & anr. ... Respondents

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Mr. M. V. Ghatge, Advocate for the petitioner

Mr. H. B. Nandgawale, Advocate for respondent No. 1

Mr. S. R. Yadav, AGP for respondent No. 2

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 19TH SEPTEMBER, 2019

PER COURT:-

1. The petitioner-Management is aggrieved by the order dt. 08.08.2019 passed by the School Tribunal, Latur, by which application Exh. 20 filed by the petitioner in Appeal No. 13 of 2018, has been rejected.

2. I have considered the submissions of the learned counsel for the petitioner and respondent No. 1 (original appellant) and the learned AGP for respondent No. 2.

3. The appellant has challenged his alleged unlawful reversion from the position of Headmaster to Assistant Teacher in the appeal pending before the School Tribunal. It is informed that, the final oral submissions of the appellant have been concluded and the petitioner-management is to advance its final oral submissions tomorrow on 20.09.2019.

4. The petitioner has raised an issue before the School Tribunal that, 51 signatures of the Secretary of the Educational Institution have been forged by the appellant and all such documents, which have been identified by the petitioner before the School Tribunal, deserve to be sent to the Handwriting Expert for his opinion. These documents include the continuance of the appellant as Headmaster from 2006 onwards till his reversion in 2018.

5. The learned advocate for the petitioner submits that, the father of the appellant was the Chairperson of the educational institution and he was instrumental in appointing the appellant as the I/c. Headmaster. After the said chairperson was replaced and after it was noticed that the appellant had forged the signatures of the Secretary, he was then reverted and this stand has been taken by the Management before the Tribunal.

6. The learned advocate for the appellant submits that the Secretary of the said trust is the real maternal uncle of the appellant. The President of the trust is the wife of the Secretary. There is some animosity between the said couple and the appellant. It is due to such strained relations that the petitioner intends to prolong the hearing in the appeal which has reached a stage of final arguments of the respondents before it could be closed for judgment.

7. I find that, this petition need not be entertained for two reasons. Firstly, the petitioner could have raised this issue the moment they filed their written statement in the appeal on 11.03.2019 and secondly, for the reason that the request has been made to refer the documents to an Handwriting Expert on 30.07.2019 when final arguments were being advanced.

8. Though the management has raised the ground that the signatures are forged, it appears from the record at a prima facie stage that, if the Secretary had not signed the order appointing the appellant as an I/c. Headmaster, he should have raised the objection the moment he noticed that the appellant was officiating as I/c. Headmaster. The Management permitted the appellant to

continue as Headmaster for almost 12 years without any murmur on objection. In this backdrop, I do not find that the request for sending the signatures to the Handwriting Expert could be entertained.

9. In view of the above, this petition is dismissed. However, the Tribunal as well as the litigating sides shall note that all the contentions of the litigating parties shall be considered by the Tribunal on their own merits and observations made in the impugned order dt. 08.08.2019 shall not be considered and shall not influence the Tribunal while deciding the appeal. Moreover, the Tribunal would be at liberty to peruse the records carefully and consider the circumstantial evidence while delivering its judgment in the appeal.

[RAVINDRA V. GHUGE]
JUDGE

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