

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION (L) NO.60 OF 2018

IN

WRIT PETITION NO.2845 OF 2017

Singh Uday Pratap A. (Headmaster)

....Petitioner

vs

Deen Dayal Education Trust And 2 Ors.

...Respondents

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Ms. Jai Kanade, a/w. Ms. Shruti Tulpule, for the Petitioner.

Mr. Shaikh Nasir Masih, a/w. Mr. Vishal K. Jagwani and Mr. Moenudin Chaudhari, for Respondent No.1.

Mr. Kedar Dighe, AGP, for Respondent Nos. 2 and 3.

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CORAM : S.C. GUPTE, J.

DATED: 27 MARCH 2019

P.C.:

. Heard learned Counsel for the parties. The order deserves to be reviewed since it is contrary to the record and mistakenly observes that no evidence was led by the Petitioner in the domestic inquiry. The Petitioner has not only presented his own oral testimony (along with cross-examination), but even examined two witnesses. The writ petition is accordingly reheard.

2. This writ petition challenges an order passed by a School Tribunal in an appeal filed before it under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Act, 1977 and Rules made thereunder.

3. The subejct matter of controversy concerns the termination of services of the Petitioner herein, who was the headmaster of a school run by the Respondent trust. After the matter has been heard at some length, it is agreed between learned Counsel for both parties that the impugned order of the School Tribunal dated 28 June 2017 can be set aside by consent and the matter remanded to School Tribunal for a fresh hearing in accordance with law. It is ordered accordingly. It is made clear that the School Tribunal has to apply its mind to the findings given by the Enquiry Committee in the present case against the delinquent headmaster. The School Tribunal has to examine the issue in its capacity as the last fact finding authority on the subject. The School Tribunal shall accordingly hear the parties afresh and dispose of the appeal as expeditiously as possible and, in any event, within a period of four months from the date the parties appear before it and bring this order to its notice. Both parties shall appear before the School Tribunal on 3 April 2019 at 11.00 a.m. and produce an authenticated copy of this order before it. The order in the writ petition is recalled and the review petition and the writ petition are disposed of in the above terms.

(S.C. GUPTE, J.)