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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 6460 OF 2022

SHRIRAM EDUCATION SOCIETY, PHALTANPETITIONER
THROUGH PRESIDENT/SECRETARY

V/s.

SURYAKANT YASANTRAO MANE AND ORSRESPONDENTS

Mr. N. V. Bandiwadekar i/b Mr. A. N. Bandiwadekar Advocate for the
Petitioner

Mr. S. H. Kankal AGP for Respondent nos. 2 & 3

CORAM : NITIN W. SAMBRE, J.

DATE: JUNE 9, 2022.

P.C.:

1) Order impugned is dated 09/03/2022 passed by Presiding Officer, School Tribunal in Appeal No. 4/2018 whereby three members of the enquiry committee are directed to be impleaded as party Respondents to the Appeal. Said Appeal is directed against termination of the Respondent-employees.

2) Mr. Bandiwadekar, counsel for Petitioner-Management would urge that members of the enquiry committee ought not to have been

directed to be impleaded as they are neither necessary or appropriate party to the Appeal proceedings as no relief whatsoever is claimed against them. In addition, the contentions are, in absence of any express prayer by way of independent proceedings, Petitioners are denied appropriate opportunity of hearing.

3) I have appreciated submissions.

4) Perusal of the order does not reflect that same is to the detriment to the interest of Petitioner as the Petitioner is unable to demonstrate any prejudice out of the order impugned dated 09/03/2022.

5) Presiding Officer of the School Tribunal while passing the order impugned has satisfied and accordingly recorded reasons as to why members of the enquiry committee are appropriate party to the Appeal as report of the State Awardee member was neither accepted nor dealt with by the enquiry committee. As such, the plea of Respondent-employee of biased approach on the part of convener rightly prompted the Tribunal to direct impleadment. As such, plea of bias act of enquiry committee members cannot be looked into in absence of such members.

6) No case for interference in extraordinary jurisdiction is made out. Petition fails, stands rejected.

[NITIN W. SAMBRE, J.]