

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 505 OF 2022

Krantiveer Chapekar Smarak Samiti

.. Petitioner

Versus

Smita Durgaprasad Kanitkar & Ors.

.. Respondents

-
- Mr. Sanjeev Sawant i/by Mr. Abhishek Deshmukh for the Petitioner
 - Mr. Vipul K. Bodhare for Respondent No. 1
 - Mr. A.P. Vanarase, AGP for Respondent Nos. 2 to 4 - State
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 24, 2022

P.C.:

- 1.** Heard the learned Advocates appearing for the parties.
- 2.** Perused the impugned order dated 04.10.2021 passed by the School Tribunal. Admittedly, the said order is not passed on merits, save and except on the objection raised to the constitution of the Inquiry Committee under the provisions of Section 36(2)(b) of the Maharashtra Employees of Private School (Condition of Service) Rules, 1981.
- 3.** Respondent No. 1 asserts that the President / Chairman of the Petitioner Samiti is one of the member of the Inquiry Committee. However, in this case, she desires to issue witness summons to the President in view of the fact that the President had forwarded the proposal along with annexures in the year 2005. The case of the

Petitioner is that the said proposal was fabricated in respect of some of the signatures appearing on the annexures therein. Since the impugned order is not passed on merits of the matter, by consent of the parties, the impugned order is set aside and following directions are passed.

4. The statement of Respondent No. 1 that she shall examine the President / Chairman of the Petitioner Trust as witness is accepted.

5. In view of the above, Shri. Nitin Barne, Committee Member of the Petitioner shall replace the President as one of the member of the Inquiry Committee and the Respondent No.1 does not have any objection to this arrangement.

6. Accordingly the Inquiry Committee shall be formed for re-investigation of the Respondent No.1's case and complete the inquiry and pass a speaking order within a period of three weeks from today, after giving a hearing to the Respondent No.1. The Respondent No.1 shall be entitled to file written submissions before the Inquiry Committee and shall be heard by the Inquiry Committee.

7. In view of the above directions, Writ Petition stands disposed of.

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date: 2022.03.25
10:32:52 +0530