

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2015/2022

Nusrat Yasmeen W/o Ashfaq Ahmad

...Versus...

Central Tanzeem Committee, Nagpur represented through its Secretary Haji
Mohd. Abdul Kalam and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri P.A. Abhyankar, Advocate for petitioner
Shri A.D. Mohgaonkar, Advocate for respondent nos.1 and 2
Shri Sheikh Majid, Advocate for respondent no.3

CORAM : AVINASH G. GHAROTE, J.

DATE : 06/10/2022

1. Heard Shri Abhyankar, learned counsel for the petitioner, Shri Mohgaonkar, learned counsel for the respondent nos.1 and 2 and Shri Sheikh Majid, learned counsel for the respondent no.3.

2. In pursuance to the judgment dated 17/03/2021 in Writ Petition No.373/2018 (pg.145) the earlier judgment passed by the learned School Tribunal dated 27/11/2017 was set aside and the matter was remanded back to the learned School Tribunal to render a judgment by recording appropriate reasons after hearing the learned counsel for the respective parties, in light of the observations, which are made in the said judgment.

3. Shri Mohgaonkar, learned counsel for the respondent nos.1 and 2 fairly concedes that after the remand, the impugned judgment dated 25/11/2021 (pg.34) does not conform to the directions, as contained in the judgment dated 17/03/2021 in Writ Petition No.373/2018, which is also apparent, from a reading of para 25 of the impugned judgment, in which the learned School Tribunal has refused to consider the position prior to the remand. This was obviously not the purpose for which the matter was remanded and the learned School Tribunal was required to consider the matter in its entirety, which does not appear to have been so done, considering which, the same is hereby quashed and set aside and the matter is remanded back to the learned School Tribunal with a specific direction that the matter shall be considered in its entirety and a judgment shall be rendered thereupon.

4. The parties shall appear before the School Tribunal on 17/10/2022, pursuant to which, the learned School Tribunal shall decide the appeal before him on or before 30/12/2022.

5. The writ petition is partly allowed and disposed of accordingly. No order as to costs