



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10853 OF 2019

The President, Bhartiya Jain Sanghatna and others ... Petitioners

Versus

Smt. Vijaya Venkat Chavan and others ... Respondents

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Mr. R.D. Soni for the Petitioners.

Mr. Rahul Kadam for the Respondent No.1.

Mr. P.P. Pujari, AGP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 10 AUGUST 2023

P.C. :-

1. This petition takes exception to the Judgment and Order passed by the School Tribunal, Pune, dated 11 September 2019 in Appeal No.32 of 2018.

2. By the impugned Judgment and Order, the learned School Tribunal has allowed the appeal filed by the respondent no.1 herein, who was working as Headmistress in petitioner no.3-School, against the order of termination dated 30 October 2018 issued by the petitioner nos.1 and 2-Management.

3. The operative order of the learned School Tribunal reads thus :

“Appeal is allowed as under:-

1. The impugned termination order dated 30/10/2018 passed by the respondent no.1 management is hereby declared as illegal and same is hereby quashed and set aside.

2. The respondent no.1/management is hereby directed to reinstate the appellant on her original post with full back wages and consequential benefits within 30 days from the date of this judgment and order.

3. The respondent no.1/management is hereby granted liberty to inquire afresh against the appellant as per provisions under rule 36 and 37 of MEPS Rules, 1981.”

4. I have heard the learned Counsel for the petitioners and the learned Counsel for respondent no.1.

5. The learned School Tribunal has recorded the following findings :

(i) The inquiry committee was not properly constituted.

(ii) The inquiry committee has not considered the explanation submitted by the respondent no.1 in her defence.

(iii) The findings of inquiry committee are cryptic and perfunctory.

6. I have perused the inquiry report. The learned School Tribunal has rightly observed that the inquiry committee while recording the findings on the charges levelled against the respondent no.1, has not at all considered the explanation submitted by her. Similarly, the learned

School Tribunal has also rightly observed that inquiry committee has recorded the findings in a very mechanical manner. Considering the overall facts and circumstances of the case and in view of the liberty granted to the petitioners to conduct the inquiry afresh, I am not inclined to entertain the present petition.

7. Writ Petition is dismissed.

(N.R. BORKAR, J.)