

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION (WP) NO.5872 OF 2022**

- 1) Sudam Namdeo Khandare,
Aged about 70 years, Occu. Agri.
President of Nalanda (B.C.) Shikshan
Va Krida Prasarak Sanstha, At
Asegaon-Pen, Tq. Risod, Dist. Washim

.... Petitioner(s)

// VERSUS //

- 1) Baban Pundlik Ingle,
Aged 53 years, Service, R/o Asegaon-
Pen, Tq. Risod, Dist. Washim.
- 2) Education Officer (Secondary), Zilla
Parishad, Dist. Washim.

... Respondent(s)

Shri A.J. Gilda, Advocate for the Petitioner/s
Shri P.S. Patil, Advocate for the Respondent No.1
Shri H.D. Dubey, AGP for the Respondent No.2/State

**CORAM : ANIL S. KILOR, J.
DATED : 01.08.2023**

ORAL JUDGMENT :

1. Heard.
2. **Rule.** Rule made returnable forthwith. Heard finally by consent by the parties.
3. The present writ petition is filed challenging the order dated 27.10.2021 passed by the School Tribunal, Amravati, holding

against the petitioner that, he has committed willful breach of the orders passed by the Tribunal in Appeal No.22 of 2018 and liberty is granted to the respondent to initiate criminal prosecution before the Competent Criminal Court against the petitioner for willful breach of the orders passed by the Tribunal.

4. The learned Tribunal has not observed as regards the requirement under the law to first approach the Tribunal and get the finding that the management has committed willful breach and obtain liberty to file criminal proceeding. In the circumstances, the order impugned is erroneous and liable to be quashed and set aside. Accordingly, I pass the following order:

- (i) The writ petition is **allowed**.
- (ii) The judgment and order dated 27.10.2021 passed by School Tribunal, Amravati, is hereby quashed and set aside.

Rule accordingly. No costs.

[ANIL S. KILOR, J.]