



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

WRIT PETITION NO. 8183 OF 2023

(Sant Dnyaneshwar Bahu uddeshiya Shikshan Mandal, Dhaba and another...Vs... Wasudeo
Shrikrushna Kadu and another)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P.S. Patil, counsel for petitioners.

CORAM: AVINASH G. GHAROTE, J.

DATED : 12th DECEMBER, 2023

Heard Mr. P.S. Patil, learned counsel for the
petitioners.

2. Petition questions order 25.10.2023, passed by School Tribunal, Amravati whereby the application to lead evidence in the appeal before the School Tribunal has been rejected on the ground, that the issue whether the enquiry in respect of the respondent No. 1 was to be governed by the rules framed under the MEPS Act is yet to be decided. It is contended by Mr. P.S. Patil, that since the respondent No.1 was a hostel superintendent of Ashram School, the provisions of Rules 36 and 37 of the MEPS Rules, were not be attracted at all, and therefore, the inquiry conducted adhering to principles of natural justice was just and proper.

3. The learned School Tribunal, in my considered opinion, was correct in rejecting the application for the reason that there is no finding rendered as yet as to whether the provisions of Rules 36 and 37 of the MEPS Rules are

applicable. It is only in case such finding is rendered that the case is governed by the provisions of Rules 36 and 37 of the Rules that the question of any remand for the purpose of conducting the enquiry afresh would arise. In that view of the matter, the application to lead evidence, is clearly premature as has been rightly held by the Learned School Tribunal. I therefore, do not see any reason to interfere in the impugned order as it clearly holds that before the said issue is decided, no such direction can be given to lead evidence. The petition is therefore, dismissed. No costs.

[AVINASH G. GHAROTE, J]