



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

WRIT PETITION NO. 1761 OF 2011

(Kamal Dashrath Bombarde Vs. Ashok Shikshak Sanstha, Krishna Para Ward, Gondia,
through its President & Ors.)

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

Court's or Judge's orders.

Shri P.N. Shende, Counsel for the petitioner.
Shri H.D. Dangre, Counsel for respondent no.1.
Shri D.V. Mahajan, Counsel for respondent nos. 2 and 5.
Shri H.D. Dubey, A.G.P. for respondent no.3.

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CORAM : ANIL L. PANSARE, J.
AUGUST 12, 2024

The learned Counsel for the petitioner submits that certain important documents were not placed before the School Tribunal in the appeal filed by the petitioner. The document, *inter alia*, includes resolution passed by the General Body in a meeting dated 22/3/2009 by which a decision was allegedly taken to reinstate the petitioner in service. The learned Counsel for the petitioner submits that the petitioner had joined the services and salary was released by the education department.

2] As such, the learned Counsel for respondent nos. 2 and 5 submits that this document is antedated and that the salary, so released, was subsequently directed to be recovered from the petitioner.

3] Thus, it appears that there are certain disputed facts that requires consideration by the School Tribunal. The petitioner, as such, ought to have diligently

submitted these documents before the School Tribunal. However, considering the nature of documents, which goes to the root of the dispute, it will be appropriate to permit the petitioner to submit the documents before the School Tribunal, which shall be considered by the School Tribunal on its own merits.

4] The School Tribunal may even decide whether the permission sought by the petitioner to submit the document is valid, in the sense, whether despite due diligence, the petitioner could not have submitted these documents pending appeal. In other words, all questions are kept open including the question of creating antedated document.

5] With the above observations, the Writ Petition is partly allowed. The order dated 20/7/2009 passed by the Presiding Officer, School Tribunal, Nagpur, in Appeal No. STC/1/2008, is quashed and set aside. The matter is remanded back to decide afresh in accordance with law and in terms of what has been stated in the body of the order.

6] The parties shall appear before the School Tribunal on 2/9/2024. The School Tribunal is requested to decide the appeal as expeditiously as possible.

(ANIL L. PANSARE, J.)

Sumit