



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

WRIT PETITION NO. 7803/2023

Firoz Vidya Samiti through its Secretary, Nagpur and anr. .Vs. Sadique Ramjan
Ali and Others

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

Court's or Judge's orders

Mr. V. A. Dhabe, Advocate for petitioners.
Mr. V. N. Patre, Advocate for respondent No.1.
Mr. S. B. Bissa, A.G.P. for respondent No.2.

CORAM : ANIL L. PANSARE, J.

DATE : 13.08.2024

Heard.

2. Counsel for the petitioner submits that not only the Presiding Officer of the School Tribunal, Nagpur rejected his application seeking adjournment but has passed the impugned judgment on the same day. He further submits that his application seeking adjournment has been rejected at 05:15 p.m. on 25.09.2023 and the impugned judgment is also passed on the same day, which runs into 90 pages. Counsel for the petitioner submits that the opportunity of hearing was not granted to him though his presence is recorded and further that the judgment could not have been dictated, transcribed, signed and uploaded on 25.09.2023, if the order seeking adjournment has been rejected at 05:15 p.m.

3. According to him, School Tribunal had predetermined the issue involved and thus judgment suffers from bias.

4. I need not go into the allegations of bias. However, I find substance in the submission of the counsel for the

petitioner that the request seeking adjournment having been rejected at 05:15 p.m. (as evident from the last paragraph of the order P. 110), the School Tribunal could not have passed the impugned judgment, which runs into 90 pages, on the same day i.e. 25.09.2023. Having done so, it appears that the judgment was ready on the same day and has been pronounced and in that sense, issue involved appears to have been predetermined by the School Tribunal. In other words, the opportunity of hearing was not granted to the parties.

5. In view of above, judgment and order dated 25.09.2023, passed by School Tribunal, Nagpur in Appeal STN No.2/2020 is quashed and set aside.

Appeal STN No.2/2020 is remanded back to the School Tribunal to consider it afresh after giving opportunity of hearing to both the sides. The School Tribunal shall decide the appeal as expeditiously as possible. Parties and the counsel shall cooperate to decide the appeal well within time.

6. The writ petition is disposed of in the above terms. No order as to costs.

(Anil L. Pansare, J.)