

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

WRIT PETITION NO.3448 OF 2025

(Yogesh Prakash Umak Vs. Nikita Lakshman Tikhile and others)

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

Court's or Judge's orders.

Yogesh P. Umak, petitioner in-person.
Ms. P. C. Bawankule, AGP for Respondent No.3/State.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATE: 6th AUGUST, 2025.

1. Heard the petitioner in-person and learned AGP for respondent No.3.

2. The petitioner has filed instant petition in his personal capacity although mentioning that he is Head Master. The petitioner has challenged order dated 03.12.2024 passed by the School Tribunal on his application for dismissal of the Appeal No.38/2023. The petitioner submits that the respondent No.1 had filed Appeal No.38/2023 before the School Tribunal, Amravati challenging her otherwise termination on several grounds mentioned in the memorandum of appeal. In this appeal, the school is added as respondent No.2 through its Head Master. The appeal is pending adjudication and the respondents management and the Head Master had filed their respective replies before the School Tribunal. The petitioner submits that during the pendency of the petition, he has filed an application for dismissal of the

appeal by contending that the appellant – employee was not appointed in accordance with the procedure and that she had made false statement and suppressed material facts and therefore, the appeal is liable to be dismissed. He submits that on this application, the appellant had submitted its say and thereafter, the Tribunal has passed the order dated 03.12.2024 by which the application is rejected.

3. A perusal of the impugned order shows that the Tribunal has observed that the grievance raised in the application would be decided while deciding the issues at the stage of consideration of the controversy and so also the contentions about false statements or suppression of facts will also be considered while considering the controversy and after considering the submissions, the application is rejected. On perusal of the impugned order, I find no perversity in the reasoning. The petitioner is entitled to raise the issues before the School Tribunal. The instant petition deserves to be dismissed and same is dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)