



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

Writ Petition No. 2255 of 2025

[Mahatma Jyotiba Phule Magasvargiya Mandal, Mindala through its
Secretary Shri A. A. Khandale and anr. ..vs.. Vishnu Laxman Kasare and anr.]

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

Court's or Judge's orders

Mr. A. A. Dhawas, Advocate for the petitioners
Mr. A. D. Mohgaonkar, Advocate for respondent no. 1 on caveat

CORAM : ANIL L. PANSARE J.

DATED : 24-04-2025

Heard.

2. The challenge is to order dated 7-4-2025 passed by the School Tribunal, Chandrapur whereby permission to cross-examine respondent no. 1 – original appellant has been rejected by the School Tribunal.

3. Having heard both sides and having gone through the order, it appears that the petitioner – management had in affidavit of reply added, by way of amendment, that respondent no. 1 is in gainful employment. Consequent thereto, respondent no. 1 has filed affidavit admitting that he is in employment on Clock-Hour basis. The petitioners intended to cross-examine respondent no. 1 on the point of gainful employment. The School Tribunal noted that since respondent no. 1 has admitted the averments made by the petitioners through amendment, there is no dispute that respondent no 1 has been employed post order of termination of his service. The School Tribunal has further observed whether that would amount to gainful employment or not is a question that would be argued on merit and for which, no cross-examination would be required.

4. I do not find any perversity in the aforesaid approach. The reason for which the cross-examination has been sought by the petitioners was to bring on record that respondent no. 1 is in employment which fact has been already admitted. In this context, the provision under Section 10 of the Maharashtra Employees of Private Schools (Conditions of Services) Regulation Act, 1977 is relevant. It provides that the Presiding Officer shall decide the procedure to be followed for disposal of its business. The Tribunal has accordingly held that it has discretion to grant permission for oral evidence in appropriate case.

5. This is a case where Tribunal found that further cross-examination is not necessary. Such approach cannot be said to be perverse and, therefore, cannot be faulted with under supervisory jurisdiction under Article 227 of the Constitution of India. The petition is dismissed with no order as to costs.

(Anil L. Pansare, J.)