



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

Writ Petition No.4291/2024

Yavatmal Islamiya Anglo Urdu Education Society and another V Mohd. Ehsam
Ur Rahim and others

Writ Petition No.5952/2024

Mohd. Ehsam Ur Rahim V The Yavatmal Islamiya Anglo Urdu Education Society 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. A.D. Mohgaonkar, Adv. for petitioner. (WP No.5952/2024)
Mr. S.M. Vaishnav, Adv for respondent nos. 1 to 3.
Mr. Dubey, AGP for respondent no.4.
Mr. S.M. Vaishnav, Adv for petitioners. (WP No.4291/2024)
Mr. A.D. Mohgaonkar, Adv. for respondent no.1/Caveator.
Mr. Dubey, AGP for respondent no.3.

CORAM : R.M. Joshi, J.

DATE : 01-07-2025.

These petitions are filed by the Management and employee taking exceptions to judgment and order dated 13-06-2024 passed in Appeal No.23/2020 by the School Tribunal, Amravati.

2. There is no dispute about the employee and employer relationship between the parties. The employee claims to have been terminated from service from 19-09-2020. This termination according to the Management was effected after issuance of chargesheet and conducting of enquiry under the provisions of the Maharashtra Employees of Private Schools (Condition of Services) Regulation Act, 1977. The employee

challenged the said termination on the ground that he was denied sufficient opportunity of hearing and that principles of natural justice are violated. Learned Tribunal accepted the said contention of the employee and set aside the order of termination with further direction to reinstate the employee on his previous post, but granting liberty to the Management to conduct fresh enquiry since beginning. Further directions were issued in respect of payment of subsistence allowance for the period prior to date of termination i.e. during the course of the inquiry.

3. Since both Management as well as employee are challenging this order and as it is not possible to segregate the reliefs granted by the Tribunal in order to permit such challenge, this Court is of the view that it would be in the interest of the parties that the impugned order is set aside and the proceeding of Appeal No.23/2020 is relegated back to the Tribunal for decision afresh.

4. All contentions of the parties are kept specifically open. The Tribunal is directed to decide the appeal expeditiously and in any case within a period of three months. The parties are directed to appear before the Tribunal on 07-07-2025. Tribunal

is not required to issue any fresh notice to the parties for their appearance.

(R.M. Joshi, J.)