



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

WRIT PETITION NO.1823/2019

1. Shri Dewaleshwar Shikshan Va Jankalyan
Sanstha, Buldana, Regd. No.F-2736, through
its President, Mangal Vidya Niketan Uccha
Prathamik Shala, Kata Road, Shivaji Nagar,
Ward No.1, Washim, Tq. and Distt. Washim.
 2. Mangal Vidya Niketan Uccha Prathmik
Shala, through its Head Master, Kata
Road, Shivaji Nagar, Ward No.1, Washim,
Tq. and Distt. Washim.
- ... Petitioners
(Original Appellants)

- Versus -

1. Santosh S/o Anandrao Deshmukh,
aged about 46 Yrs., Occu. Nil,
R/o At Post Tandali (Bk.), Washim,
Tq. and Distt. Washim. (Original Appellant)
2. Education Officer (Primary),
Zilla Parishad, Washim. (Original Respondent 3)
3. Ram S/o Sambhaji Kale,
aged Major, Occu. Head Master
(Suspended), R/o at Khambala,
Tq. and Distt. Hingoli-431 513. ... Respondents

Mr. S.D. Chande, Advocate for the petitioners.
Mr. Saurabh Singha, Advocate for respondent No.1.
Mr. A.S. Deshpande, Advocate for respondent No.2.

CORAM: MRS.VRUSHALI V. JOSHI, J.
DATE OF RESERVING THE JUDGMENT: 13.6.2025.
DATE OF PRONOUNCING THE JUDGMENT: 20.6.2025.

JUDGMENT

Rule. Rule made returnable forthwith. Heard finally by consent of learned Advocates for the parties.

2. The petitioners have challenged the judgment and order dated 16.8.2018 passed by the School Tribunal, Amravati in Appeal No.56/2016 thereby allowing the appeal challenging the termination order dated 16.8.2016 and directed the petitioners to reinstate the services of respondent No.1 within forty days with all benefits of continuity in service and directed to pay full back-wages to the appellant (respondent No.1 herein) from the date of termination till his reinstatement.

3. The petitioner No.1 is the Education Society. The respondent No.1 was appointed as a Shikshan Sewak on 14.2.2005. The respondent No.1 had given resignation on 21.8.2008. After hearing both the parties the respondent No.2-Education Officer confirmed the resignation of the

respondent No.1. On 16.8.2013 the respondent No.1 had challenged the resignation letter and issued legal notice and demanded repayment. The respondent No.1 thereafter had filed the civil suit for declaration, permanent injunction before the civil Court which was withdrawn by him.

4. After two years of withdrawing said suit the petitioners with the help of Headmaster i.e. respondent No.3 has prepared the forged documents and filed the appeal before the School Tribunal. The respondent No.3 had issued the certificate, he i.e. respondent No.3 was suspended and he has given admission during his enquiry about issuance of certificate due to personal relations.

5. The appeal filed by the petitioners before the School Tribunal was allowed. The petitioners came to know about said judgment on 29.9.2018 and after going through the record they came to know neither the Headmaster nor one Deshmukh who

was appointed as an Advocate had filed reply in the matter. The matter before the Tribunal was proceeded *ex parte* and on the basis of the documents filed by the respondent No.1 the judgment was passed. The petitioners are challenging the said judgement before this Court.

6. The learned Advocate for the petitioners has submitted that the appeal is proceeded *ex parte*. They have taken action against the Assistant Teacher Mr. V.A. Deshmukh and the then Headmaster. The allegations are about forged documents filed by the respondent No.1. The respondent No.1 has not denied that he had resigned the services and said resignation letter bears his signature but it is his stand that it was obtained by pressure from the petitioners. These disputed facts are not decided by the School Tribunal. The School Tribunal has not framed the issue in this regard. The petitioners have not got any opportunity to contest the matter regarding this aspect.

7. The order to deposit 50% amount of back-wages is complied, however, the respondent No.1 is disputing about the amount. According to him he was working as an Assistant Teacher and, therefore, 50% back-wages should be of Assistant Teacher and not of Shikshan Sewak. There is difference between the salary of Shikshan Sewak and an Assistant Teacher.

8. The learned Advocate for the petitioners has submitted that as the issues are not framed and the petitioners have not got an opportunity of hearing, he requested to quash and set aside the impugned judgment and order and to remand the matter back to the School Tribunal for deciding it afresh.

9. The learned Advocate has also agreed that disputed question of facts are not decided and no issues to that effect are framed. He has also fairly submitted that as the issues are not framed the respondents are also ready to face the trial again but has insisted that the petitioners shall comply the order passed by

this Court by depositing 50% amount as per the pay-scale of Assistant Teacher.

10. Heard both sides and perused the record.

11. As the matter before the School Tribunal is proceeded *ex parte* and the petitioners have not got any opportunity of hearing to contest the matter, the issue of disputed facts arises before this Court regarding forged documents, the petitioners have already taken action against the persons who have given assistance to the respondent No.1 and departmental enquiry was conducted against those persons. It is, therefore, necessary to set aside the judgment and order passed by the School Tribunal and remand back the matter to School Tribunal for deciding it afresh.

Hence the following order:-

(i) The impugned order passed by the School Tribunal is quashed and set aside.

(ii) The matter is remanded back to the School Tribunal for deciding the same afresh after giving an opportunity of hearing to all the parties.

(iii) The petitioners and the respondents are directed to appear before the Tribunal on 27.6.2025.

(iv) The Tribunal shall make an endeavour to decide the appeal as early as possible and in any case within three months from the date of receipt of this judgment and order.

(v) Rule accordingly. There shall be no orders as to costs.

(MRS.VRUSHALI V. JOSHI, J.)