



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

Civil Application (CAW) No. 1005 of 2025
in

Writ Petition No. 2738 of 2017 (D)

[Navodaya Shikshan Sanstha, Nagpur through its Secretary and anr.
..vs.. Hemant Prakashrao Darvekar 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. N. B. Kalwaghe, Advocate for the applicants/petitioners
Mr. N. S. Warulkar, Advocate for non-applicant no. 1
Mr. S. B. Bissa, AGP for non-applicant no. 2

CORAM : ANIL L. PANSARE J.

DATED : 28-04-2025

Writ Petition No. 2738/2017 was disposed of in
following terms.

- "1. The Writ Petition is partly allowed.*
- 2. The Judgment and order dated 2/3/2017 passed by the School Tribunal, Nagpur in Appeal No. STN. 81/2012 is hereby quashed and set aside, except the clause (4) of the operative order, which pertains to the payment of subsistence allowance to the Respondent No.1 during the period of suspension.*
- 3. The enquiry is relegated back to the Enquiry Committee from the stage of examining witness PW-1. The enquiry shall be conducted in accordance with law.*
- 4. Pending enquiry, the Respondent No.1 shall be deemed to be under suspension. Needless to say that he will be entitled for subsistence allowance in accordance with Rules. Consequential benefits would depend upon the result of the enquiry and the order that will be passed thereon."*

The present application is filed for seeking modification of order in clause 3. According to the applicant – management, one of the committee members has expired and, therefore, new committee has been constituted and thus seeks modification to reconstitute enquiry committee as per decision taken.

To my mind, the prayer does not indicate modification in the order but is something that is beyond the scope of dispute in the writ petition. What has been said in the order sought to be modified is to commence enquiry from the stage of examination of witness PW-1. There is nothing in the order as regards constitution of committee and, therefore, the application and prayer made therein cannot be granted. The application is accordingly rejected.

(Anil L. Pansare, J.)

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