



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

WRIT PETITION NO. 5899/2019

Shubham Bahu-uddeshiya Sanstha Waddhamna thr. Secretary and anr. .Vs.
Smt. Hemlata Eknath Pise and Ors.

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

Court's or Judge's orders

Mr. A. Z. Jibhkate, Advocate for petitioner.
Mr. S. D. Chande, Advocate for respondent No.1
Mr. S. B. Bissa, Advocate for respondent Nos. 3 and 4.

CORAM : ANIL L. PANSARE, J.
DATE : SEPTEMBER 05, 2024

Heard.

2. On 19.06.2024, following order was passed.

“Heard for some time.

Learned School Tribunal has recorded in paragraph 14 that the management has filed no documents on record to show that the resolution was passed by the management and the secretary was authorised to communicate the allegations to the respondent no.1 – Head Mistress. The School Tribunal has recorded further finding against the management on the ground that the necessary documents were not filed.

As against, the counsel for the management submits that the necessary documents, including the resolution, were placed on record. He further makes a statement that original record of the proceedings before the managing committee as also the inquiry committee were placed on record and after conclusion of the proceedings, the originals were returned back to the counsel for the management.

Since the finding of the School Tribunal is based on the aforesaid fact of non filing of the documents, let the record and proceedings be called.

Registry shall take steps to get record and proceedings before the next date.

Stand over to 03.07.2024.”

There occurred an inadvertent error in the aforesaid order. Paragraph 14 be read as paragraph 40.

3. Counsel for the petitioner has invited my attention to page Nos.679 to 682 of the Trial Court's record, which is a resolution passed by the managing body. Resolution is dated 28.04.2017. It refers to the details of misconduct committed by respondent No.1, which also refers to the necessity to conduct inquiry and in the end authorized the Secretary to take all necessary steps in this regard. Thus, it is obvious that the School Tribunal has ignored vital documents while rendering a finding against the management and, therefore, matter will have to be relegated back to the School Tribunal to decide the same afresh.

4. Accordingly, the impugned order dated 08.08.2019, passed by School Tribunal, Nagpur in Appeal No.38/2017 is quashed and set aside. Appeal No.38/2017 is relegated back to the School Tribunal, Nagpur to decide it afresh in the light of the documents placed on record so also other relevant points.

All questions are kept open.

The parties shall appear before the School Tribunal, Nagpur on 07.10.2024.

The School Tribunal, Nagpur shall decide the appeal, as expeditiously as possible and preferably within four months from 07.10.2024.

(Anil L. Pansare, J.)