



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

WRIT PETITION NO. 666 OF 2024

SAMYAK BAHUUDDESHIYA SHIKSHAN SANSTHA

VERSUS

EDUCATION OFFICER (PRIMARY), Z.P., NAGPUR AND OTHERS
WITH

WRIT PETITION NO. 740 OF 2024

SAMYAK BAHUUDDESHIYA SHIKSHAN SANSTHA

VERSUS

EDUCATION OFFICER (PRIMARY), Z.P., NAGPUR AND OTHERS

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. P. N. Shende, Advocate for the petitioner.
Mr. Shaikh Majid, Advocate for respondent no.1
Mr. A. D. Mohgaonkar, Advocate for respondent no.2
Nobody appears for respondent no.3

CORAM : M. W. CHANDWANI, J.
DATE : FEBRUARY 12, 2026.

1. Heard Mr. P. N. Shende, learned counsel appearing for the petitioner and Mr. A.D. Mohgaonkar, learned counsel appearing for the contesting respondent no.2. Mr. Shaikh Majid, learned counsel appears for respondent no.1. Nobody appears for respondent no.3.

2. Since, the petitioner is common in both petitions and respondent no.2 in both petitions is the one in whose favour the impugned orders are passed by the School Tribunal, Nagpur and are the employees of petitioner-society, these two petitions are being decided by this common order.

3. Both petitions challenge the judgment and order dated 09.10.2023 passed by the Presiding Officer, School Tribunal, Nagpur in Appeal No. 21/2014 and 20/2014, thereby setting aside the termination order dated 25.11.2013 against respondent no.2 in each petition with a direction to the petitioner and respondent no.3 in each petition to reinstate respondent no.2 with continuity in service with full backwages and all consequential benefits.

4. The main contention is that the defence of petitioner-society has not been considered by the School Tribunal in proper manner. In spite of placing on record all the documentary evidence in support of its defence, the School Tribunal recorded a finding that no document is placed on record. Moreover, according to the learned counsel, no issue has been framed by the School Tribunal in respect of the defence raised by petitioner-society and no proper finding has been recorded by the School Tribunal in that respect.

5. The case of petitioner-society in W.P. No. 666/2024 is that respondent no.2 – Sneha Patil had tendered resignation on 08.08.2013, which was duly accepted by petitioner-society. Though the said resignation was placed on record, the School Tribunal recorded a finding that no document in respect of resignation has been produced on record.

6. Per contra, learned counsel for respondent no.2 in W.P. No. 666/2024 vehemently objected to the above submission on the ground that the provisions of Section 7 of the Maharashtra Employees of Private Schools (Conditions of Services) Regulation Act, 1977 read with Rule 40 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 framed thereunder have not been followed. Therefore, the Tribunal has held that there is no documentary evidence on record to believe the petitioner's story. He sought rejection of the petition.

7. The case of petitioner-society in W.P. No. 740/2024 is that respondent no.2 – Pooja Rathod had proceeded on leave and never attended the duties since 10.10.2013. She left the school without giving any leave application or intimating the school. Therefore, according to the learned counsel, the matters are required to be remanded back for fresh decision.

8. Per contra, learned counsel for respondent no.2 in W.P. No. 740/2024 vehemently objected the above submission on the ground that respondent no.2 was on leave from 10.10.2013 to 24.11.2013. Further when the leave application was submitted by her, the petitioner refused to accept it. It is also stated that the contention raised in the petition with regards to unsatisfactory work by respondent no.2 is baseless and no documentary

evidence is presented in that context by the petitioner. Therefore, the Tribunal has held that there is no documentary evidence on record to believe the petitioner's story. He sought rejection of the petition.

9. Having gone through the impugned orders, it is revealed that the defence of the petitioners in both the petitions has not been considered. Having found that the defence of the petitioner has not been considered, the matters are required to be remanded back to the School Tribunal for considering the defence of the petitioner.

10. Therefore, the impugned judgment and orders passed by the School Tribunal, Nagpur are required to be quashed and set aside and the matters are required to be remanded back for deciding afresh for considering the defence of the petitioner and giving a finding on it.

11. Accordingly, the writ petitions are partly allowed.

12. Both the judgment and order dated 09.10.2023 passed by the Presiding Officer, School Tribunal, Nagpur in Appeal Nos. 21/2024 and 20/2014 are quashed and set aside.

13. The matters are remanded back to the School Tribunal, Nagpur for considering the defence of the petitioner in each petition.

14. The parties are directed to appear before the School Tribunal, Nagpur on 23.02.2026.

15. It is a common ground that the pleadings are complete and since the matters are of the year 2013, the School Tribunal, Nagpur is directed to decide the appeals within two months from 23.02.2026.

16. The petitions stand disposed of in the aforesaid terms.

(M.W.Chandwani, J.)

Diwale