

CASE NO.:
Appeal (civil) 669 of 2008

PETITIONER:
PASHCHIM KHANDESH BHAGINI S. MANDAL & ANR

RESPONDENT:
SAU. NIRMALA TULSHIRAM MOHANE & ANR

DATE OF JUDGMENT: 23/01/2008

BENCH:
H.K. SEMA & LOKESHWAR SINGH PANTA

JUDGMENT:
JUDGMENT

O R D E R

CIVIL APPEAL NO.669 OF 2008
(arising out of SLP(C)No.3023/2006)

Leave granted.

Heard the parties.

We propose to dispose of this appeal with this short order.

The respondent was working as Headmistress in Kamla Nehru Kanya Vidyalaya, Nandurbar. She was dismissed from service by an order dated 25.05.2000 preceded by an inquiry. Aggrieved thereby, the respondent approached the School Tribunal. It appears that in the proceedings before the Tribunal, the Tribunal directed the appellant to furnish a copy of the inquiry report, the inquiry records and documents relied on during the inquiry. Despite the repeated requests the appellant failed to produce the required documents and, therefore, the Tribunal allowed the appeal and set aside the order of dismissal.

Aggrieved thereby, the appellant approached the High Court by way of writ petition which met with the same fate. The High Court noticed the reasons recorded by the Tribunal and dismissed the writ petition. Hence this appeal by special leave.

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This Court on 13.09.2007 directed the parties to produce the report of the enquiry dated 08.05.2000, show-cause notice dated 19.05.2000 and the reply dated 23.05.2000. Pursuant to the aforesaid direction, it appears that the inquiry report and other documents have now been produced and are available on record. In our view, since those documents which have been produced pursuant to our direction dated 13.09.2007 have neither been considered by the Tribunal or the High Court, it would secure the ends of justice if the orders of the Tribunal and the High Court are set aside and the matter is remitted to the School Tribunal for a fresh decision after examining the inquiry report and the documents that are now available pursuant to our direction. Accordingly, the matter is remitted to the School Tribunal for a fresh decision in accordance with law after considering the documents now made available. As the matter is pending since 1997, the Tribunal is directed to dispose of the appeal afresh within three months from today. The appellant is directed to produce records of the inquiry in original in its entirety before the Tribunal. We clarify that we set aside the orders of the Tribunal and the High Court for the reason being that the documents now available were not considered by the two courts below and any observation made herein shall not be construed as expression of opinion on the merit of the case.

The appeal is disposed of accordingly.