



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal Nos.1558-1559/2026
[Arising out of Special Leave Petition (C) Nos.27266-67/2024]

Hemlata Eknath Pise

Appellant

VERSUS

**Shubham Bahu-uddeshiya Sanstha
Waddhamna & Ors.**

Respondents

J U D G M E N T

1. Leave granted.
2. The High Court of Judicature at Bombay, Nagpur Bench, Nagpur by the impugned judgment and order dated 05th September, 2024 allowed a writ petition¹ filed by the first respondent. A remand was ordered to the School Tribunal, Nagpur² to consider afresh the claim of the appellant for reinstatement in service upon quashing of the final order of dismissal from service.
3. Incidentally, the Tribunal vide its order dated 8th August, 2019 had set aside an order of the first respondent dismissing the appellant from service and granted reinstatement together with consequential benefits to her.

¹ Writ Petition No.5899 of 2019

² Tribunal

4. Perusal of the impugned order dated 05th September, 2024 reveals that the High Court considered a solitary point raised on behalf of the first respondent, i.e., the Tribunal had not looked into all the records and proceedings more particularly the resolution authorizing the Secretary thereof to initiate proceedings against the appellant, and upon recording a satisfaction that the Tribunal needs to revisit the matter and without looking into any other point, expressed the view that a remand was indeed called for. It was accordingly ordered, while quashing the Tribunal's aforesaid order dated 8th August, 2019.

5. Crestfallen, the appellant applied for a review of the order dated 05th September, 2024³, contending that the disciplinary proceedings that were initiated had been conducted in gross breach of the principles of natural justice. She highlighted not being allowed to cross examine all the prosecution witnesses. In fact, the High Court's attention was sought to be drawn to the factual position that cross examination of the main witness of the management was in progress on 31st July, 2017, and it was deferred till the next date when it was supposed to resume; however, on 1st August, 2017, the inquiry officer abruptly closed the proceedings without granting opportunity to the appellant to complete cross-examination of the said witness as well as the other witnesses. She also sought to contend that the Tribunal had found the charges not to have been

³ MRA No. 838/2024

proved. By applying for review, she urged the High Court to consider the aforesaid points.

6. The review petition, however, did not find favour with the High Court which, by its order dated 25th September, 2024, rejected the same.

7. The order dated 05th September, 2024 allowing the writ petition and the order dated 25th September, 2024 dismissing the review petition are the subject matter of challenge in these appeals.

8. In our considered view, having regard to the aforesaid facts and circumstances, the High Court ought not to have remanded the matter to the Tribunal for a fresh decision based on its consideration of only the sole point noticed above. Even if the Secretary of the first respondent were authorized to draw up proceedings against the appellant by issuing charge-sheet, whether or not the inquiry suffered from breach of principles of natural justice, as claimed, and also as to whether the findings of the Tribunal were justified, ought to have engaged the High Court's due consideration.

9. Law is pretty well-settled that when several issues arise for being answered by a Court in the facts of a given case, ideally, disposal thereof ought to be preceded by recording the Court's answers to each of such issues with reasons rather than the decision of the Court focusing on just one decisive point. This approach, apart from ensuring that all issues are considered providing clarity and assuring some sort of a finality, would respect the rights of the

litigants to a comprehensive decision; also, if an appeal were carried from such decision, the appellate court would be benefitted by a reasoned decision of the original court.

10. The High Court, thus, appears to have faltered in deciding only one single point while not dealing with the others, which is a fundamental flaw vitiating its order dated 5th September, 2024. Accordingly, we set aside the orders impugned in these appeals and order a remand of the writ petition to the High Court for a fresh consideration thereof in the light of the claims and defences of the parties.

11. Since the appellant has reached the age of superannuation and there is, thus, no question of her reinstatement in service, *inter alia*, the primary questions that would necessarily arise for decision before the High Court are whether: (i) the Tribunal was justified in interfering with the disciplinary action taken by the first respondent against the appellant and (ii) the appellant would be entitled to back wages as well as retiral benefits, should the first question be decided against the first respondent.

12. We request the Chief Justice of the High Court of Bombay to assign the writ petition to the roster Bench for its consideration and disposal in accordance with law, as early as possible, preferably within a period of four months of such assignment.

13. All questions on fact and law are kept open for the parties to urge before the High Court.

14. We also leave it open to the parties to explore a mediated settlement notwithstanding that no such settlement in that behalf could be reached before us.

15. The appeals stand allowed on the aforesaid terms.

16. Pending application(s), if any, shall stand disposed of.

.....J.
[DIPANKAR DATTA]

.....J.
[SATISH CHANDRA SHARMA]

**NEW DELHI;
FEBRUARY 11, 2026.**