

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

**CIVIL APPEAL NO. _____ OF 2026
(@ SLP(C) No. 4079/2026)**

**LATE MOTIRAM NAIK SHIKSHAN
SANSTHA VITHALA & ANR.**

APPELLANT(S)

VERSUS

THE EDUCATION OFFICER (SECONDARY) & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. We have heard the learned Senior Counsel appearing for the appellant and the learned counsel appearing for the respondents.
3. In pursuance of the charges framed and, thereafter, proved by the departmental inquiry, the respondent no.3 was removed from the services. The Tribunal, *inter alia*, held that the principles of natural justice having not been followed in examining the material witnesses, hence, the charge against the respondent No.3 has not been substantiated and proved. The said view was concurred with by the High Court.

4. Upon hearing the learned Senior Counsel appearing for the respondents, we are inclined to set aside the impugned order on the sole premise that in the event of such a finding, the entire benefit cannot be granted in favour of the respondent(s), as the concept of the principle of natural justice has got two facets. Firstly, non-following it would vitiate the very proceedings themselves, and the other is the question of prejudice.
5. The Tribunal and the High Court having found that the witnesses have not been examined, ought to have remitted the matter for fresh consideration. In other words, non-compliance with the principles of natural justice in not examining the witnesses will not amount to giving a clean-chit to the respondent(s). Needless to state that in a departmental inquiry, it is for department to substantiate the charge.
6. In such view of the matter, while not interfering with the reinstatement of the respondent No.3, we give liberty to the appellant to proceed afresh in pursuance of the charges framed.
7. The inquiry, if any, to be proceeded with, shall be done leaving all the issues open. We make it clear that respondent No.3 shall be reinstated.

8. The appeal stands disposed of, in the aforesaid terms with the aforementioned observations.
9. Pending application(s), if any, shall also stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[PRASANNA B. VARALE]

NEW DELHI;
24th SEPTEMBER, 2026

ITEM NO.14

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 4079/2026

[Arising out of impugned final judgment and order dated 18-11-2025 in WP No. 6418/2019 passed by the High Court of Judicature at Bombay at Nagpur]

LATE MOTIRAM NAIK SHIKSHAN SANSTHA VITHALA & ANR. Petitioner(s)

VERSUS

THE EDUCATION OFFICER (SECONDARY) & ORS.

Respondent(s)

IA No. 227918/2026 - EXEMPTION FROM FILING O.T.

IA No. 57561/2026 - EXEMPTION FROM FILING O.T.

IA No. 57560/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 24-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. K Parameshwar, Sr. Adv.
Mr. Varad Kilor, Adv.
Mr. Anand Dilip Landge, AOR

For Respondent(s) Mr. Bharat Bagla, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.

Mr. Satyajit A. Desai, Adv.
Mr. Shashank Upadhyay, Adv.
Mr. Sachin Singh, Adv.
Mr. Pratik Kumar Singh, Adv.
Ms. Anagha S. Desai, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed

order.

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

(SWETA BALODI)

ASTT. REGISTRAR-cum-PS

(POONAM VAID)

ASSISTANT REGISTRAR

(Signed order is placed on the file)