

**2026 LiveLaw (SC) 177**

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
**DIPANKAR DATTA; J., SATISH CHANDRA SHARMA; J.**  
FEBRUARY 11, 2026.

Civil Appeal Nos.1558-1559/2026 [Arising out of Special Leave Petition (C) Nos.27266-67/2024]  
**Hemlata Eknath Pise versus Shubham Bahu-uddeshiya Sanstha Waddhamna & Ors.**

**Practice and Procedure – Remand by High Court – Requirement of Deciding All Issues – The Supreme Court set aside a High Court order that had remanded a service matter to the School Tribunal based on a single technical point regarding the Secretary's authorization to initiate proceedings - Held: When several issues arise for determination, a Court should ideally record findings and reasons for each issue rather than focusing on just one "decisive" point - This approach ensures clarity, provides finality for litigants, and assists the appellate court with a reasoned decision.**

**Service Law – Disciplinary Inquiry – Principles of Natural Justice – The appellant alleged a gross breach of natural justice, claiming the inquiry officer abruptly closed proceedings on August 1, 2017, preventing the completion of cross-examination of management witnesses - The High Court erred by not considering these allegations of procedural lapses and the merits of the Tribunal's original findings while ordering a remand.**

**Relief – Superannuation during Pendency – Held that since the appellant has reached the age of superannuation, reinstatement is no longer possible - The High Court, on fresh consideration, must determine: (i) whether the Tribunal's interference with the disciplinary action was justified, and (ii) the appellant's entitlement to back wages and retiral benefits – Appeal allowed. [Paras 9-11]**

*For Petitioner(s): Mr. Amol B. Karande, AOR*

*For Respondent(s): Mr. Satyajit A. Desai, Adv. Mr. Sanchit Agrahari, Adv. Mr. Sachin Singh, Adv. Mr. Pratik Kumar Singh, Adv. Mr. Parth Johri, Adv. Mr. Shashank Upadhyay, Adv. Mr. Madhur Duggal, Adv. Ms. Anagha S. Desai, AOR Mr. Sravan Kumar Karanam, AOR Mr. Samarvir Singh, Adv. Mr. Siddharth Dharmadhikari, Adv. Mr. Aaditya Aniruddha Pande, AOR Mr. Shrirang B. Varma, Adv.*

**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 05<sup>th</sup> September, 2024 allowed a writ petition<sup>1</sup> filed by the first respondent. A remand was ordered to the School Tribunal, Nagpur<sup>2</sup> 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 8<sup>th</sup> 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.
4. Perusal of the impugned order dated 05<sup>th</sup> 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

<sup>1</sup> Writ Petition No.5899 of 2019

<sup>2</sup> Tribunal

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 8<sup>th</sup> August, 2019.

**5.** Crestfallen, the appellant applied for a review of the order dated 05<sup>th</sup> September, 2024<sup>3</sup>, 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 31<sup>st</sup> July, 2017, and it was deferred till the next date when it was supposed to resume; however, on 1<sup>st</sup> 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 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 25<sup>th</sup> September, 2024, rejected the same.

**7.** The order dated 05<sup>th</sup> September, 2024 allowing the writ petition and the order dated 25<sup>th</sup> 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 5<sup>th</sup> 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

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<sup>3</sup> MRA No. 838/2024

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.

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