

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1278 OF 2015

Dadasaheb Annasaheb Chougule .. Petitioner
vs.
The President,
Ichalkaranji Education Society & Ors. .. Respondents

Mr. Sachin Gite for Petitioner.

Mr. Shrishail Sakhare i/b. Mr. S. A. Rajeshirke for Respondent No. 3

CORAM : M. S. SONAK, J.
DATE: 11 MARCH 2015

P.C. :-

1] The petitioner had instituted appeal no. 67 of 2011 before the School Tribunal, Kolhapur, alleging supersession by the respondent no. 3 in the matter of promotion to Category 'C'. Records however indicate that the respondent no. 3 was never promoted into Category 'C', but was directly recruited therein. Accordingly, this cannot be regarded as a case of supersession. In terms of Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulations Act, 1977 (said Act), appeal shall lie to the School Tribunal where there is supersession while making an appointment to any post by promotion. In this view of the matter, the appeal before the School Tribunal was not maintainable.

2] Accordingly, there is no necessity to entertain the present petition. However, it needs to be clarified that since the School Tribunal, by the impugned order has purported to reject the petitioner's claim on merits, the said observations shall not come in the way of the petitioner in claiming promotion to Category 'C' or for that matter any enhancement in scale, since the petitioner claims that he has acquired B.Ed. qualifications. This is of course, if the petitioner is entitled to any further promotion or any enhanced scale under the law as may be applicable.

3] With the aforesaid observations, present petition is disposed of.

(M. S. SONAK, J.)

Chandka