

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 9445 OF 2013**

Shri Satish Baburao Lokhande and anr.Petitioners

Vs.

The State of Maharashtra and 4 othersRespondents

Mr. G.M. Savagave for the Petitioners.

Ms. S.S. Bhende, AGP for the Respondent Nos. 1 to 3.

**CORAM : SMT. VASANTI A. NAIK AND
C.V. BHADANG, JJ.**

DATE : 13.01.2015

P.C.:-

By this Petition, the Petitioners seek a direction to the Respondent Nos. 3 to 5 to permit the Petitioners to sign the muster roll and also pay the regular salary to the Petitioners.

It is the case of the Petitioners that though the Petitioners were appointed in the year 2002 and though the Education Officer had granted approval to the appointment of the Petitioners in the year 2004, the Education conducted an inquiry and held that the appointment of the Petitioners was illegal. According to the Petitioners, in view of the inquiry report, the Respondent Nos. 3 to 5 are not permitting the Petitioners to sign on the muster roll and the salary of the Petitioners is also not paid.

If the Petitioners are not permitted to sign the muster roll and if they are not paid salary, it is a case of “otherwise termination”. The Petitioners can challenge their termination by filing an Appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. In view of the effective alternative remedy, the writ petition would not be tenable.

In view of the aforesaid, we dismiss the writ petition by keeping the points in the Petition open. No costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)