

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.902/2014

Yashwant s/o Keshav Patil

...Versus...

State of Maharashtra, through its Secretary, Ministry of Education, Mantralaya,
Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.S. Joshi, Advocate for petitioner
Shri N.S. Khubalkar, AGP for respondent nos.1 and 2
Shri V.K. Paliwal, Advocate for respondent no.3
Shri A.S. Dhore, Advocate for respondent no.4

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : 20.03.2015

Heard.

By this petition, the petitioner had initially challenged the chargesheet issued to the petitioner, who worked as an assistant teacher in the School run by the respondent – Management.

During the pendency of this writ petition, this Court had permitted the Management to conduct the enquiry against the petitioner. It appears that the Management held the enquiry against the petitioner and an order of termination of the services of the petitioner is passed. By an amendment application, the petitioner is desirous of challenging the order of termination on the ground that the Secretary does not have authority to issue the order of termination.

It would not be necessary for this Court to allow the amendment application or even consider the correctness or otherwise of the order of termination. It would also not be necessary for this Court to consider whether the Secretary had the authority to issue the order of termination or not. This aspect can be very well gone into, by the School Tribunal as the petitioner has a right to file an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 against the order of termination.

In view of the subsequent development, the writ petition is disposed of with no order as to costs.

The points raised in the petition are, however, kept open.

JUDGE

JUDGE

Wadkar