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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 340 OF 2015**

Omprakash Bhagwatrao Barve & ors. ..PETITIONERS

VERSUS

The State of Maharashtra & ors ..RESPONDENTS

WITH

**WRIT PETITION NO. 348 OF 2015**

Mahadeo Ramchandra Mali ..PETITIONER

VERSUS

The State of Maharashtra & ors ..RESPONDENTS

Mr V. P. Latange, Advocate for petitioners;  
Mr B. V. Virdhe, A.G.P. for respondent/State;  
Mr V. d. Gunale, Advocate for respondent No. 5

**CORAM : S.V. GANGAPURWALA &  
N.W. SAMBRE, JJ.**

**DATE : 14th SEPTEMBER, 2016**

**ORDER :**

The schools where the petitioners were employed stand de-recognized. The petitioners pray that the respondents be directed to absorb the petitioners, so also are seeking relief that opportunity of hearing be given to the petitioners.

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2. During pendency of the writ petition, the said prayer of the petitioners was granted and the authority was directed to give hearing to the petitioners. Upon hearing the petitioners and respondent-management, the authority has filed report before this Court.

3. Mr. Latange, learned Counsel submits that in view of Rule 25A of the MEPS Rules, the petitioners are required to be absorbed as they stand retrenched. According to learned Counsel, de-recognition of the institution is not because of the present petitioners, however, as there is dispute amongst the members of the management, authorities have taken stand to de-recognize the institution.

4. We have heard Mr. Gunale, learned Counsel for the respondent-institution.

5. Learned A.G.P. states that it is not the

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case of retrenchment as contemplated in Rule 26 of the MEPS Rules, however, the provisions of Rule 25A of the MEPS Rules would apply. The services of the petitioners would stand terminated. Upon hearing the petitioners, the report has been submitted and one of the reason for de-recognition of the schools is that the management and staff both had not taken care, on the contrary, neglected in performing the educational duties.

6. We have considered the submissions and report submitted by the Educational Officer (Secondary). The major ground for de-recognition appears to be that the necessary teachers were not appointed, facilities were not provided by the institution because of which, the strength of students went on decreasing. Some role, no doubt, is also attributed to the employees, however, the major ground appears to be not providing the educational facilities by the management. Even laboratory, library were not made available to the students.

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7. Considering the above, the closure of the school cannot be attributed to the employees.

8. Rule 25A of the MEPS Rules would apply and services of the petitioners would be terminated, however, if the petitioners are not responsible for the closure of the school, they are required to be absorbed in other aided institution.

9. Considering the above, we pass the following order.

: O R D E R :

The respondent authority shall place the petitioners in the list of surplus employees and as per its turn, accommodate the petitioners in aided institution.

It is made clear that the petitioners would not be entitled for salary during the period

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they stood terminated and till the time they are absorbed. However, their services may be considered as per law for the purpose of continuity.

10. The writ petitions, accordingly, stand disposed of. No costs.

(N.W. SAMBRE, J.)

(S.V. GANGAPURWALA, J.)

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