

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1467 OF 2016

Ajit Ganapati Suryawanshi

.. Petitioner

Vs.

The Head Master

Gurukul Vidyalaya & Ors.

.. Respondents

Mr. R.V.Bansode i/by Sheetal Ubale, Advocates for the petitioner.

Mr. A.L.Gore, Advocate for R.No.2.

Mr. Sharique Nachan i/by Judicare Law Associates, Advocate for the respondent nos.3 and 4.

Ms. M.S.Bane , AGP for R.Nos.5 to 8.

CORAM : R.D. DHANUKA, J.

DATE : 25th July 2016

P.C.

. By this Writ Petition filed under Articles 226 and 227 of the Constitution of India, the Petitioner has impugned the order passed by the Presiding Officer, School Tribunal, Mumbai dated 21.9.2015 allowing the application filed by the Respondent Nos.3 and 4 (Exhibit 23) for deletion of name of the Respondent Nos.3 and 4 from the cause-title of the Appeal No.13 of 2014. The learned counsel for the Petitioner invited my attention to the memorandum of appeal filed before the School Tribunal and submitted that the Petitioner has applied for reliefs in the said appeal not only against the Respondent Nos.1 and 2 but also against the Respondent Nos.3 and 4. He submits that under the provisions of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and Rules of 1981, the Petitioner has worked in the day school as well as in the night school. He submits that case of the

petitioner is that the Respondent Nos.3 and 4 could not have insisted for NOC from the day school and on that ground they could not have refused to permit the Petitioner to work in the night school.

2 On the other hand, it is the case of the Respondent Nos.3 and 4 that without obtaining NOC from the day school, the Petitioner could not have worked with the Respondent Nos.3 and 4. It is also the case of the Respondent Nos.3 and 4 that the Respondent Nos.3 and 4 have not terminated the services of the Petitioner.

3 In view of the fact that the Petitioner has applied for reliefs against day school as well as night school, in my view, Respondent Nos.3 and 4 would be necessary or atleast proper parties to the appeal for proper adjudication of the dispute filed by the Petitioner.

4 In view of the reasons recorded aforesaid, in my view, the School Tribunal could not have entertained application of the Respondent Nos.3 and 4 for deletion of their names from arena of the appeal filed by the Petitioner. The Respondent Nos.3 and 4 can oppose the appeal filed by the Petitioner on its own merits. It is made clear that this Court has not expressed any view on the merits of the matter. The Petition is, accordingly, made absolute in terms of prayer clause (a). Impugned order dated 21.9.2015 passed by the School Tribunal is set aside. Application filed by the Respondent Nos.3 and 4 (Exhibit 23) before the School Tribunal is dismissed.

5 Petition is disposed of in the aforesaid terms. No order as to costs.

R.D. DHANUKA, J.