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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12452 OF 2015

Macchindra D. Satpute	...Petitioner
V/s.	
Seva Ashram Shikshan Sanstha & Ors.	...Respondents

Mr.Sunil Dighe for the Petitioner.

Mr.Rohit Sakhadeo for the Respondent No.1.

Mr.A.R. Metkari, A.G.P. for the State – Respondent Nos.3 and 5.

Mr.A.M. Gosavi i/b GMS Legal for the Respondent No.4.

CORAM : R.D. DHANUKA, J.
DATE : 9TH AUGUST, 2016.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India the petitioner has impugned the judgment and order dated 29th October, 2015 passed by the learned Presiding Officer, Additional School Tribunal, Navi Mumbai allowing the appeal filed by the respondent no.4 under section 9 of The Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and the Rules, 1981 (for short “MEPS Act”). The respondent no.4 had impugned the order of supersession passed by the management thereby promoting the petitioner herein to the post of Headmistress.

2. It is not in dispute that the respondent no.4 was already qualified to be appointed as the Assistant Teacher on 12th June, 1990, whereas the petitioner herein was qualified on 20th July, 1990.

3. The School Tribunal has considered this admitted position and has after adverting to the judgment of this Court in case of **Saramma Varghese vs. Secretary / President, S.I.C.E.S. Society & Ors. 1989 Mh.L.J, 951** has rightly set aside the order of supersession dated 23rd November, 2013 and has rightly directed the management to promote the respondent no.4 to the post of Headmaster with effect from 25th November, 2013.

4. I have heard the learned counsel for the parties and have perused the judgment dated 29th October, 2015 passed by the School Tribunal. In view of the fact that the respondent no.4 was qualified to be appointed as Assistant Teacher on the date of his appointment, whereas the petitioner herein obtained requisite qualification much later, I do not find any infirmity in the order and judgment dated 29th October, 2015 passed by the School Tribunal allowing the appeal filed by the respondent no.4 and setting aside the order of supersession dated 23rd November, 2013 passed by the management and further directing the management to promote the respondent no.4 herein to the post of Headmaster.

5. The findings recorded by the School Tribunal are not

perverse and are rendered in accordance with the law laid down by this Court and on admitted facts on record. There is no infirmity in the impugned order passed by the learned Presiding Officer, Additional School Tribunal, Navi Mumbai . The petition is devoid of merits and is accordingly dismissed. No order as to costs.

(R.D. DHANUKA, J.)