

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5439 OF 1997

Premdas Ramdas Udasi,
Age 34 years, Occ. Nil,
R/o at and post Loni,
Tq. Udgir, Dist. Latur.

..Petitioner

Versus

1. The State of Maharashtra

2. The Dy. Director of Education,
Aurangabad.

3. Hawagiswami Mahavidyalaya,
Udgir, Dist. Latur, through its
President.

..Respondents

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Advocate for Petitioner : Shri Y.P.Deshmukh
h/f Mrs.Smita Deshpande
AGP for Respondents 1 & 2 : Shri N.T.Bhagat
Advocate for Respondent 3 : Shri V.G.Sakolkar

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 03, 2017

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ORAL JUDGMENT:-

1. The petitioner has not challenged any order before this Court, though this petition has been filed under Rule 26 and 27 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 ("MEPS Rules" for short). The relevant prayer clauses (A), (B) and (C) set out in the petition read as under:-

“(A) By issue of a writ of mandamus or any other appropriate writ of like nature, the respondent No.2 be directed to grant a approval in favour of the petitioner and the respondent No.3 be directed to continue the services of the petitioner as a lecturer in the subject of Sociology.

(B) By issue of writ of mandamus or any other appropriate writ of like nature, the respondent No.2 be directed to declare the petitioner as a surplus lecturer and absorb him in any another college under the control of the respondent No.2 within a period of one month.

(C) Pending hearing and final disposal of this writ petition, the respondent NO.2 be directed to grant an approval in favour of the petitioner and respondent No.3 be directed to continue the services of the petitioner and pay the salary regularly.”

2. Rule 26 pertains to retrenchment on account of abolition of posts. Rule 27 pertains to principles of termination of service in the event of retrenchment. Neither any order of proposed retrenchment or termination, nor an actual order of retrenchment or termination has been assailed in this petition.

3. In the light of the above, this petition is untenable, considering the prayers put forth. Same is, therefore, dismissed and the Rule is discharged.

4. However, in the event the petitioner has any grievance as regards his approval, or any other grievance that would fall under Rule 26 and 27, he would be at liberty to seek redressal of his grievance before the appropriate authority.

(RAVINDRA V. GHUGE, J.)

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