

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
LETTERS PATENT APPEAL NO. 291 OF 2011
IN
REVIEW PETITION NO. 10 OF 2011
IN
WRIT PETITION NO. 7844 OF 2009

Gumansing Dhansing Patil	...	Appellant
Vs.		
The Secretary/President, Sonopant Dandekar Shikshan Mandali & Ors.	...	Respondents

Ms. Yogita M. Deshmukh for the Appellant
Mr. Mangal Bhandari i/b. Mr. Mangesh Deshmukh for respondent Nos. 1 & 2.
Mr. P.P.More, AGP for Respondent Nos. 3 & 4..

**CORAM: RANJIT MORE &
SMT.SADHANA S.JADHAV, JJ.**
DATE : 8th AUGUST, 2017.

P.C.

Heard the learned counsel for the respective parties.

2. In the year 1987, the appellant was appointed as Assistant Teacher in Junior College in Commerce faculty. His services were terminated in the year 2008 by the management on the ground that he did not possess the requisite qualification. The appellant's appeal was dismissed by the School Tribunal, Navi Mumbai. The Writ Petition filed by the appellant bearing No.7844 of 2009 thereafter was also dismissed by

order dated 3.9.2010 The appellant thereafter filed Review Petition which was also dismissed.

3. As stated above, the appellant's services were terminated because he did not possess the requisite qualification. Admittedly, the appellant is M.Com B.Ed (Physical). The required qualification to teach commerce faculty in Junior College is B.Ed. (General).

4. The appellant was granted approval on condition that he will obtain B.Ed. (General) qualification, but till today, he has not obtained the required qualification. The appellant is therefore not eligible to hold the said post.

5. The learned counsel for the appellant relied upon the G.R. dated 4.7.2017 issued by the Social Welfare, Cultural Affairs, Sports & Tourism Department, Government of Maharashtra to contend that the B.Ed. (Physical) is the required qualification to hold the post of the Assistant Teacher in Junior College in Commerce faculty. The contention cannot be accepted because subsequent to the said G.R., Maharashtra Employees of Private Schools Act, 1977 (for short 'MEPS Act') came into force. The MEPS Act stipulates the requisite qualification for appointment as Assistant Teacher in Junior College to be B.Ed. (General). The appellant does not fulfill the said qualification.

6. In view of this, both the School Tribunal and the learned Judge of this Court have taken a correct view which does not require any interference. The Appeal is, therefore, dismissed.

[SMT. SADHANA S.JADHAV, J.]

[RANJIT MORE,J.]