

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO.3782/2015**

Pradip S/o Shalikram Waghmare

..Vs..

The President, Vidarbha Gramin Yuwak Vikas, Sanstha, Lothwada and others

Office Notes, Office Memoranda of Coram,  
 appearances, Court's orders of directions  
 and Registrar's orders

Court's or Judge's orders

Shri B.M. Khan, Adv. for the petitioner.  
 Shri N.R. Patil, A.G.P. for respondent Nos.3 and 4.  
 Shri S.M. Vaishnav, Adv. for the respondent No.2.

**CORAM : S.C. GUPTE, J.**

**DATE : 18.9.2017.**

Heard learned counsel for the parties.

2. This petition challenges an order passed by the School Tribunal at Amravati in an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. The School Tribunal has rejected the petitioner's appeal challenging his termination on the ground that the petitioner's appointment, which is stated to be temporary, is not in accordance with Section 5 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act and the Rules framed thereunder. According to the School Tribunal, there was nothing to show that the petitioner was a legally appointed employee of the respondent school. The various documents produced by the petitioner in support

of his claim that he was a regular employee of the school were disbelieved by the Tribunal. These documents *inter alia* included copies of appointment order which was stated to be manipulated document by using the seal of the President. After perusing copies of appointment orders issued in case of other employees, the Tribunal observed that the petitioner himself had relied on two separate appointment orders, each of which bore the president's seal, but was signed by a different person. So also, the petitioner relied on two joining reports, which bore different dates. Even the so-called proposals forwarded to the Education Department seeking approval to his appointment bore different dates and were in different proformas. There was a mismatch between the date of forwarding of caste validity certificate in his case. Even the muster roll produced before the Court did not have the petitioner's name on it. The original muster roll called from the school also did not have the petitioner's name. On consideration of these documents, the Tribunal held that the petitioner had failed to prove that he was appointed as a duly appointed employee of the School. The documents placed on record by the petitioner in this behalf were of doubtful authenticity. On the petitioner's claim to have worked with the School without having received a single paisa towards salary, the Court noted that at some point of time the petitioner may have been working as a private employee in the office of the Management and may have misused the seal of the President to create record.

Learned counsel for the petitioner relied on the case of *Anil S/o Govindrao Korde V/s. Siddheshwar Krida Mandal, Sillod and others* reported in **2016(6) Mh.L.J.933** and submitted that on similar facts where the employee had worked for over 9 years, the termination order was held to be illegal and set aside by this Court. In the case of *Anil S/o Govindrao Korde* (supra), the Court had come to a definite finding that the employee before the Court had not only performed his duties but was granted permanency and was paid regular salary from the salary grants and that it was much later that a dispute was raised concerning the legality of his appointment. The facts of our case are clearly distinguishable from the facts of that case. Anyway, in the light of the observations of the School Tribunal noted above and there being nothing on record to show that the procedure for appointment prescribed in the Act or the Rules was followed in the petitioner's case, the impugned order in the present case does not call for any interference. The petition is accordingly **dismissed**. No costs.

JUDGE