

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8937 OF 2014

Savata Mali Shikshan Prasarak
Mandal, Jalgaon

Petitioner

Versus

Pandurng Bhagwan Mahajan
& others

Respondents

Mr. S.H. Tripathi, advocate for petitioner.
Mr. V.B. Patil, advocate for respondents 1 to 3.

CORAM : R.M.BORDE, J.

DATE : 19th APRIL, 2018

PER COURT:

1 Petitioner, who claims to be the incharge of the management, is objecting to the order passed by the School Tribunal in appeal no. 53/2012 decided on 28.02.2014. Services of respondent no. 1 who was appointed as peon on 04.06.2002 were discontinued, which order was impugned by respondent no. 1 in appeal no. 53/2012 presented to the School Tribunal. The School Tribunal, considering the contentions of respondent no. 1, declared that order dated 18.08.2009 directing termination of services of respondent no. 1 is illegal and stands quashed and set aside. It is directed to the management to re-instate the employee alongwith backwages and continuity in service. It is informed by respondent no. 1 that in observance of the order passed by the School Tribunal, the employee has been re-instated. Apart from this, the services of respondent no. 1 have been approved by the Education Officer.

2. Petitioner is objecting the order passed by the School Tribunal mainly on the ground that appointment of respondent no. 1 was made without observing the procedure prescribed in law and the management which issued the order was not competent to employ respondent no. 1. There are disputes between the parties before the Charity Commissioner. Both the change reports are rejected by the Charity Commissioner. So far as conflicts between management are concerned, it shall not have any impact on the administration of the school and employment of respondent no. 1. It must be noted that respondent no. 1 is appointed in 2008. Appointment of respondent no. 1 has been approved by the Education Officer. Respondent no. 1 is continued in employment for almost ten years. In the circumstances, petition by management does not deserve to be considered. Writ petition is devoid of substance hence stands dismissed.

R.M.BORDE
JUDGE

dyb