

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10067 OF 2018

(Kiran Babruwan Mali Vs. The Secretary, Bharat Shikshan Sanstha,
Omerga and others)

WITH WRIT PETITION NO.10068 OF 2018

WITH WRIT PETITION NO.10069 OF 2018

WITH WRIT PETITION NO.10071 OF 2018

WITH WRIT PETITION NO.10073 OF 2018

WITH WRIT PETITION NO.10074 OF 2018

WITH WRIT PETITION NO.10075 OF 2018

WITH WRIT PETITION NO.10076 OF 2018

Mr.S.S.Jadhavar, Advocate for the petitioners.

Mr.B.A.Shinde, Mr.S.R.Yadav and Mr.K.S.Patil, AGPs' for the
respondent No.3/State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/09/2018

PER COURT :

1. The petitioners, who are all appellants before the School Tribunal at Solapur, are aggrieved by the interlocutory order dated 19/04/2018 delivered in their respective appeals by which the application seeking an injunction against the Educational Institution from engaging new teachers in their place, has been rejected.

2. I have considered the strenuous submissions of the learned Advocates for these petitioners. I am of the view that an injunction in the nature of preventing the Management from appointing teachers

would ultimately cause an irreparable harm and manifest inconvenience to the students taking education in the respective schools / colleges.

3. These petitioners have been terminated for the reason that their services have not been approved by the Education Officer since surplus teachers are available and yet fresh hands in the form of these petitioners have been appointed. This Court, (Coram : Ravindra V.Ghuge, J.) in the matter of Vasant Shikshan Prasarak Mandal and others Vs. State of Maharashtra and others [2017(2) Bom.C.R. 783], has issued a directive on the basis of which the Department of Education has intimated all the Education Officers to ensure strict compliance of the proviso to Section 5(1) of the M.E.P.S.Act, 1971.

4. Even otherwise, as the appeals of these petitioners are pending, if the Management inducts new teachers, such induction is bound to be subject to the result of the pending appeals.

5. Learned Advocate for the petitioners prays that the Management may be directed to allow these petitioners to discharge their duties without prejudice to the rights of the rival sides in the pending appeals, keeping in view the judgment of this Court in the

matter of St.Ulai High School Vs. Shri Devendraprasad Jagannath
[2017(109) Bom.L.R. 60 - 2007(1) Mh.L.J.597] wherein lack of
approval cannot be considered as a ground for termination. It is,
therefore, left open for these petitioners to make such a request to
the Management independently.

6. In view of the above, these petitions, being devoid of merit, are
therefore disposed of.

(Ravindra V.Ghuge, J.)

Kranti
Hansraj
Shekatkar

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