

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7753 OF 2017

Ganesh Pandurang Birje	...	Petitioner
V/s.		
Matru Mandir, Derukh and Ors.	...	Respondents

- Mr.Rajesh M. Kolge for the Petitioner.
- Mr.I.M. Khairdi a/w. Mr.S.V. More for Respondent Nos.1 and 2.
- Mrs.Mansi Bane for Respondent Nos.3 to 6.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 26th NOVEMBER, 2018.

P.C. :

1] Heard learned counsel for the parties.

2] This Writ Petition takes an exception to the order dated 16th January, 2017, passed by the Presiding Officer of the School Tribunal, Kolhapur thereby deciding the 'Preliminary Issue' regarding 'jurisdiction' and holding it against the Petitioner.

3] The Petitioner has filed the appeal before the School Tribunal challenging the notice of his termination from service dated 17/11/2015. The Presiding Officer of the School Tribunal has placed

reliance on the judgment of this Court in the case of *St. Francis Industrial Training... Vs. P.J. Jose and Ors.*, 2007(1) MhLJ 570, holding that, “in order to attract the provisions of the Maharashtra School Tribunal Act, an institution must apart from being a private school, it has to be recognized as private school. A private school, is a school, which is recognized and which is established or administered by a Management, other than the Government or Local Authority and the recognition of such school has to be by one of the Authorities spelt out in Section 2(21) of the Act. Else such an institution would not be treated as being recognized for the purpose of the M.E.P.S. Act, 1977”.

4] In view of the dictum laid down in the judgment in paragraph No.7, the School Tribunal held that such recognition has to be by the “Director” and the expression “Director” is defined by Clause 6 Section 2 to mean that the Director of Education, the Director of Technical Education, the Director of Vocational Education and Training and the Director of Art appointed as such by the State Government.

5] Here in the case, no such recognition is produced on record. In that view of the matter, the Tribunal has rightly held that it has no jurisdiction to entertain the Appeal.

6] In Writ Petition, therefore, no interference is warranted, as the order passed by the Tribunal is just, legal and correct. Therefore, the Writ Petition stands dismissed.

7] On the request of learned counsel for the Petitioner, it is clarified that the Petitioner is having the liberty to approach appropriate forum for redress of his grievance and except the issue of jurisdiction, all the contentions on merits are left open.

[DR.SHALINI PHANSALKAR-JOSHI, J.]