

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2684 OF 2013

Mahendra Pandurang Mhatre	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

Mr. Nikhil Jayakar i/by Mr. Dinesh Rane, Advocate for the Petitioner.
Ms. Jyoti Chavan, AGP for Respondent Nos.1 and 2.
Mr. Shaikh Nasir Masih, Advocate for Respondent Nos.3 to 5.

**CORAM : B. R. GAVAI &
B. P COLABAWALLA, JJ.
DATE : 10th JANUARY, 2018**

PC.

1] The Petitioner has approached this Court seeking for a direction to implement the order passed by the Education Inspector dated 4th May 2013, thereby holding the Petitioner to be entitled to enter Category "C" of Schedule "F" of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (For short "MEPS Rules").

2] However, in view of the stand taken by the Respondent Nos.1 and 2 in paragraph No.6, the relief as claimed in the Petition cannot be granted. The Education Inspector has stated categorically in paragraph 6 thus :-

"I say that, thus according to the Schedule F, the Petitioner is entitled to be placed in the Category C as follows:

On completion of the course of B.A. + 10 years service i.e. 10 years from April, 1986, which is in the year 1996 or;

On completion of the course of B.Ed. i.e. from April, 1989.”

3] We find that even otherwise the provisions of Schedule “F” are very clear. For entering into Category “C”, a candidate must have a degree in B.A., B.Sc./B.com. alongwith B.T./B.Ed. or its equivalent. In so far the 4th category is concerned, a candidate should either have B.A./B.Sc./ B.com. alongwith S.T.C./Dip.Ed./Dip.T. (one year course). However, in addition, he must have 10 years service after he has obtained S.T.C. Diploma in Education or Diploma in Teaching. The Petitioner has entered into service in the year 1983 and obtained B.A. degree in 1986. As such, in 1986, he does not have 10 years experience. He has obtained B.Ed. degree in 1989. Immediately after obtaining B.Ed. he has been put in Category “C” of Schedule “F”. We find no error in stand taken by the Education Inspector. The Petition is therefore rejected.

4] In so far as the claim of the Petitioner regarding supersession is concerned, the Petitioner has already approached the learned School Tribunal. The learned School Tribunal will decide the said appeal without being influenced by the instant order passed by this Court.

[B. P. COLABAWALLA, J.]

[B. R. GAVAI, J.]