

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10950 OF 2019
WITH
WRIT PETITION NO.10996 OF 2019

SHARAD NARAYAN TAMBOLI
VERSUS
STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

Mr.A.J.Patil, Advocate for the petitioner.
Mr.S.R.Yadav, AGP for respondent No.1.
Mr.S.S.Deshmukh, Advocate for respondent No.5.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/09/2019

PER COURT :

1. The second WP No.10996/2019, which is not on board, is taken on board at the request of the learned Advocate for the petitioner/Management and by the consent of the learned Advocate appearing on behalf of the original appellants.

2. The petitioner is aggrieved by the order dated 29/06/2019 passed by the School Tribunal by which his application Exh.19 seeking leave to intervene in Appeal No.31/2017 has been rejected.

3. The learned Advocate for the petitioner has strenuously criticized the impugned order. It is submitted that the appellant and the purported Management of the educational institution are close relatives and the appeal before the School Tribunal is only a farce. It is pointed out that the present body claiming to be elected, is an illegal body. They have no authority to take any policy decision in view of the order dated 25/06/2015 passed by the learned Joint Charity Commissioner, Nasik. As such, this alleged body can neither appoint teachers/non teaching staff, nor can they terminate the teaching or non teaching staff. The petitioner claims to be a Chair Person of the body contending that he has also been elected.

4. Mr.Deshmukh, the learned Advocate appearing in these 2 petitions on behalf of both the original appellants submits that there is no nexus between the present body and the original appellants. If they were on good terms, they would not have been terminated by the present body. The dispute between the petitioner and the present body is pending before the competent authorities and until the said issue is decided, this petitioner cannot be granted liberty to participate in the proceedings under the M.E.P.S.Act.

5. He further submits that this petitioner is neither the

Appointing Authority of the appellants, nor the Terminating Authority. The appellants have arrayed those respondents who are responsible for their termination. It is for the School Tribunal to consider whether the Authority, which terminated the appellants, were empowered to do so or not.

6. He places reliance upon a judgment delivered by this Court (Coram : Z.A.Haq, J.) dated 06/04/2017 at Nagpur in the matter of Azaz Kibriya Khan s/o Maqsoodali Khan Vs. Tanvir Ahmed Khan Shabbir Khan and others in WP No.1078/2016 wherein it has been held that the dispute between 2 bodies is to be settled before the Charity Commissioner and the proceedings under the MEPS Act, cannot be the ground field in which these 2 groups can battle to settle their existence.

7. In view of the above, I do not find that the impugned order passed by the School Tribunal, Nashik, could be termed as being a perverse or erroneous order. Both these petitions, being devoid of merit, are therefore dismissed.

(Ravindra V.Ghuge, J.)