

WRIT PETITION NO.4653 OF 2017

Mr.B.S.Nayak for the Petitioner.
Mr.Y.S.Kochare AGP for Respondent No.1.
Mr.Amit Dhutia with Mr.S.R.Patil for Respondent No.2.

DATE : 26TH JUNE, 2019.

1] The petition is presented by the Secretary of the Maharashtra State School Employees Union objecting to alleged illegalities/inaction by private management i.e. Respondent No.2. The President of petitioner-union is a member of State Legislature. It is claimed that the teachers functioning in the institution are the members of the petitioner - Union. Annexure "B" to the petition is memorandum dated 4th January, 2016 submitted by the petitioner-union to the trustees of the school making demand to enter into agreement with the Union in respect of payment of wages as well as extension of facilities to the employees of school. The demand made on behalf of the Union to the trustees are not in consonance with the MEPS Act and Rules framed thereunder. It appears that the petitioner-union is equating the association of the teachers, with the labour union

registered under the Trade Unions Act.

2] Annexure “C” to the petition is referable to demands made by the petitioner-union to the trustees to take action against one of the teachers functioning in the school. The union has threatened the trustees of school to launch agitation, if their demands are not met. It was expected of the teachers working in school to approach the Educational Officer or Higher Authorities for redressal of their grievances, if any, within the frame work of the MEPS Act and Rules. However, the approach of the petitioner-union to the problem does not appear to be within framework of MEPS Act and Rules but is like a trade union registered under the Trade Unions Act.

3] For the reasons recorded above, the petition presented by the petitioner-union does not deserve any consideration in exercise of extraordinary jurisdiction of this Court under Article 226 of the Constitution. It would be open for the concerned teachers to approach the proper Authorities or to take remedial measures as provided under law. The writ petition stands rejected.

(N. J. JAMADAR, J.)

(R. M. BORDE, J.)