

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2329/2017

Ramesh Jaganrao Gadre
..VS..
Brothers of St. Martin Nagpur & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.N. Shende, Advocate for the petitioner
Shri S. Z. Qazi, Advocate for the respondent nos. 1 and 2
Shri P. Raulkar, Adv h/f Ms. I. Bodade, Adv for the respondent no. 3

CORAM : Z.A.HAQ, J.
DATED : 09/01/2019

Heard.

The petitioner – employee has challenged the order passed by the School Tribunal by which his claim for reinstatement with continuity of service is not granted and the Tribunal has granted alternate relief under Section 11 (2) (e) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and has directed the management to pay salary equivalent to 12 months.

The Tribunal has recorded that the employee has failed to establish that he was appointed after following the procedure prescribed under Section 5 of the Act of 1977. The petitioner – employee has not been able to point out that this finding is unsustainable. The learned advocate for the respondent nos. 1 and 2 – management has pointed out the order passed by the Division Bench of this Court in W.P. No. 4339/2013 by which this Court refused to consider the

grievance of the petitioner regarding non grant of approval to his appointment. The Division Bench of this Court has recorded that the petitioner – employee had not entered the service after being selected as per the prescribed procedure and therefore, the management had not committed any wrong by not forwarding the proposal seeking approval to his appointment.

After hearing the learned advocates for the respective parties and considering the material on record, I find that the Tribunal has properly appreciated the controversy and it cannot be said that the impugned order suffers from any patent illegality or error of jurisdiction which necessitates interference by this Court in the extra-ordinary jurisdiction.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari