

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

WRIT PETITION NO. 2142/2017

The Shree Samarth New Education Society & ors.

..VS..

Mahendrakumar S/o Lekharamsingh Baghele & anr.

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : 08/01/2019

None appears for the petitioners.

Heard Shri R.K. Borkar, Advocate for the
respondent no. 1 and Ms. T.H. Khan, AGP for the respondent
no. 2.

The petitioners – management have filed this
petition to challenge the order passed by the School Tribunal
by which the appeal filed by the respondent no. 1 is allowed,
order (oral) of termination of the services of the respondent
no. 1 – employee is quashed and the management is directed
to reinstate him with continuity of service and to pay
backwages.

The Tribunal has recorded that the respondent
no. 1 – employee has proved that he was appointed after
following the procedure prescribed by Section 5 of the
Maharashtra Employees of Private Schools (Conditions of
Service) Regulation Act 1977, he continued in the service for
three years as Shikshan Sewak and then his services were

terminated without conducting an enquiry and in breach of the Rules 28, 36 and 37 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

Before the Tribunal, the management has not appeared and has not opposed the claim of the respondent no. 1 – employee. Before this Court also, the management has not been able to point out that the findings recorded by the Tribunal are without any basis and unsustainable. The learned advocate for the respondent no. 1 – employee has submitted that after the appeal is allowed, the respondent no. 1 – employee is reinstated and the proposal seeking approval to his appointment is forwarded.

In the above facts, I see no reason to interfere with the impugned order.

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

It is clarified that the respondent no. 2 – Education Officer is not bound to grant approval to the appointment/continuation of the respondent no. 1 – employee and the proposal sent by the petitioners – management shall be considered on its merit.

JUDGE