

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4046 OF 2019

DNYANOPASAK SHIKSHAN MANDALS COLLEGE OF ARTS
 COMMERCEAND SCIENCE JINTUR THROUGHPRINCIPAL AND ANR
 VERSUS
 THE DISTRICT VOCATIONAL EDUCATION AND TRAINING OFFICER
 AND ANR

...

Senior Advocate for Petitioners : Mr. R. N. Dhorde i/b
 Mr. Vikram R. Dhorde

AGP for Respondents – State : Mr. S. W. Mundhe
 Advocate for Respondent No.3 : Mr. T. K. Prabhakaran

...

AND

WRIT PETITION NO.4815 OF 2019

DNYANOPASAK SHIKSHAN MANDALS COLLEGE OF ARTS
 COMMERCEAND SCIENCE JINTUR THROUGHPRINCIPAL
 AND ANOTHER
 VERSUS
 THE DISTRICT VOCATIONAL EDUCATION AND TRAINING OFFICER
 AND OTHERS

...

Senior Advocate for Petitioners : Mr. R. N. Dhorde i/b
 Mr. Vikram R. Dhorde

AGP for Respondents – State : Mr. S. W. Mundhe
 Advocate for Respondent No.3 : Mr. V. P. Golewar

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CORAM : MANGESH S. PATIL, J.

DATE : 17.08.2021

PER COURT :-

Though, Writ Petition No. 4815 of 2019 is not on board, at the request of learned Advocate, it is taken on board and is being disposed of jointly with Writ Petition No. 4046 of 2019.

2. In both these petitions, the Management is challenging the

Judgments and orders dated 31.01.2018 passed by the Presiding Officer, School Tribunal, Latur, in Appeal Nos. 48 and 49 of 2013 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, whereby, the order of termination of contesting respondents is quashed and set-aside.

3. It appears that, by the order dated 26.11.2019 passed in Writ Petition No. 4815 of 2019, having noticed the shortcomings in the enquiries conducted by the petitioner – Management, both the parties were asked as to if they were ready to conduct/face the enquiries if they were so directed to be held *de novo* by complying with Rules 36 and 37 of the MEPS Rules.

4. Though, the order was passed in Writ Petition No. 4815 of 2019, the learned Senior Adv. Dhorde for the petitioners and learned Adv. Prabhakaran and learned Adv. Golewar for the contesting respondents, on instructions, submit that the Management may now be allowed to conduct the enquiries *de novo* strictly in accordance with observations of the Supreme Court in ***Vidya Vikas Mandal Versus Education Officer***, reported in, ***2007(2) CPSC 136***.

5. In view of such a request, the Writ Petitions are allowed. The impugned Judgments and Orders are quashed and set aside. However, the petitioners shall conduct the inquiries *de novo* in accordance with the decision in ***Vidya Vikas Mandal Versus Education Officer (supra)*** and complete the exercise within a period of six months.

(MANGESH S. PATIL)
JUDGE