

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

WRIT PETITION NO.7468/2018

Vishwanath s/o Narayanrao Garde

Vs.

Tahsildar, Mangrulpir and Administrator, Savitribai Fule Shikshan Prasarak Mandal,
Mangrulpir and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P. R. Agrawal, Advocate for petitioner.
Shri R.B.Dhore, Advocate for respondent no.1.
Shri D. P. Thakre, Additional Government Pleader for respondent nos. 2 to 4.
Shri R.S.Kurekar, Advocate for respondent no.5.

CORAM :- A.S.CHANDURKAR AND G.A.SANAP, JJ.

DATED :- AUGUST 25, 2021.

The challenge raised in this writ petition is to the order dated 06.09.2018 by which the Administrator appointed on the respondent no.1-Society nominated two members of the Enquiry Committee and had called upon the petitioner to suggest the name of his nominee. The other order under challenge is dated 05.10.2018 by which the Administrator proceeded to constitute Enquiry Committee by noting the fact that the petitioner had not suggested the name of his nominee.

On 17.08.2021 the following order came to be passed :

“Heard the learned counsel for the parties for sometime. The grievance of the petitioner in Writ Petition No.7468/2018 is constitution of the Inquiry Committee by the Tahsildar who is the Administrator appointed to conduct the affairs of the Management. It is the grievance of the petitioner that on 06/09/2018 the Tahsildar sought to constitute an Inquiry Committee as contemplated under Rule 36 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Rules, 1981. The petitioner who was holding the post of Headmaster

was called upon to nominate one member on the Enquiry Committee. On 26/09/2018 the petitioner raised an objection to the names of Shri M. U. Jawake, Headmaster and Shri Ashok T. Upadhye, award winning teacher. It is stated that this objection though sent by registered post was refused by the office of the Tahsildar as a result of which those objections were not considered. Ultimately the Tahsildar on 05/10/2018 was pleased to nominate third member to finalise constitution of the Inquiry Committee.

After notice was issued in the writ petition, reply has been filed on behalf of respondent No.1 and in paragraph 7 it has been stated that with a view to avoid further disputes the respondent No.1-Tahsildar was willing to reconstitute the Inquiry Committee.

In the light of this stand taken and without prejudice to the rights and contentions of the parties the petitioner is directed to nominate one member on the Inquiry Committee in terms of Rule 36(2)(b) of the Rules of 1981. Similarly the Tahsildar shall suggest name of some other award winning teacher within seven days from today. For the present the above directions be complied with by the petitioner and respondent No.1.

Stand over 25/08/2021”.

Today, the learned counsel for the petitioner submits that Shri Gajanan Manohar Budkale, Lecturer in Junior College, would act as his nominee in the said enquiry proceedings. On behalf of the respondent no.1-Administrator, it is submitted that the Administrator would be one of the members of the Enquiry Committee representing the interests of the Management while Shri Vijay Sadashiv Vispute would be the third member as the awardee teacher.

Accordingly in terms of Rule 36(2) of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (for short, ‘the said Rules’) the Enquiry Committee stands constituted with the aforesaid members. The enquiry proceedings shall now proceed

in accordance with the provisions of Rule 36(2) of the said Rules. The Administrator shall take into account the observations made in the judgment dated 01.02.2016 in Writ Petition No.5104/2014 with connected writ petitions at the conclusion of the enquiry proceedings.

With the aforesaid directions, the writ petition stands disposed of. No costs.

JUDGE

JUDGE

Andurkar.