

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

25 WRIT PETITION NO.6365 OF 2022

DIWAL TALLARAM PADWAL
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Deshpande Amol S.
AGP for Respondents:
...

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 25th July, 2022

PER COURT :

1. The petitioner claimed to be belonging to the 'Naikada' Community which falls in the Scheduled Tribe category and acquired employment as an Assistant Teacher on 01/09/1993. This appointment was for one year. Thereafter, he was continued in employment as a probationer for a period of two years. His claim of belonging to the Naikada Community was forwarded to the competent committee for validation on 13/07/2013. Vide order dated 16/07/2013 as per the synopsis, his claim was invalidated.

2. Thereafter, he applied for a new certificate of 'Mathura Labhan' which falls in the V.J.(A) category. The validity certificate was granted

by the committee on 21/02/2015. The private management of the school passed a resolution on 31/03/2017 protecting the service of the petitioner. Subsequently the petitioner was appointed as a Headmaster by order dated 01/05/2021.

3. The petitioner has averred in the petition that on 31-12-2021, he was forced by the management to resign as the Headmaster and by reverting him to the position of Assistant Teacher, he was placed in the supernumerary post. He was reduced in rank by a specific communication dated 01-01-2022 and approval was granted by the Education Officer to such reversion on 02-02-2022. Immediately thereafter, he was put on a supernumerary post.

4. In the above backdrop, we specifically called upon the learned Advocate for the petitioner to state as to whether the petitioner has given up his entire earlier service from 01-09-1993 owing to his forceful termination as Headmaster and reversion to the post of an Assistant Teacher. He submits that the petitioner is challenging his termination as Headmaster as well as his reversion to the post of an Assistant Teacher.

5. In view of the above, the case of the petitioner would be

covered by Section 9 (1) (a) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. The remedy to the petitioner would therefore lie before the School Tribunal to challenge his termination as Headmaster and reversion as Assistant Teacher, and thereafter on a supernumerary post which further converted him into a temporary appointment.

6. As such, this petition is disposed off with liberty to the petitioner to avail of the remedy as is permissible in law.

7. The time spent by the petitioner in this Court from 07/06/2022 till the passing of this order, would be a good ground for condonation of delay.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

vjg/-.