

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**41 WRIT PETITION NO.1181 OF 2021**

**RAM PREMNATH PAWAR  
VERSUS  
THE PRESIDENT SANGAMESHWAR SHIKSHAN PRASARAK  
MANDAL AT Shiur AND OTHERS**

...

Advocate for Petitioner : Mr. Sanjay Kolhare  
Advocate for Respondent No.1 : Mr. A.V. Indrale Patil  
Advocate for Respondent No.5 : Mr. Krishna P. Rodge

...

**CORAM : SANDEEP V. MARNE, J.**

**DATE : 05-09-2022**

**PER COURT :**

. By the present petition, the petitioner assails the order dated 02.11.2020 passed by the appellate authority / Deputy Commissioner, Social Welfare Department, Latur Division, Latur thereby rejecting his Appeal bearing No.4 of 2012. In his appeal, the petitioner had challenged oral termination order dated 15.06.2012.

2. The facts involved in the present case appear to be quite unique. Both the petitioner and the Management are at a serious dispute as to whether the petitioner was ever appointed or not. Since the Management disputes the very appointment of the petitioner in service, it naturally disputes the termination also. The entire controversy thus revolves around the factum as to whether the

petitioner was ever appointed by the Management in its school or not.

3. In support of his contention, the petitioner has placed reliance on appointment order dated 15.06.2002 shown to have been issued by the President of Shri. Sangameshwar Shikshan Prasarak Mandal Shiur. By the said order, the Management is shown to have appointed the petitioner on the post of Art Teacher in Gomata Nivasi Matimand Vidyalay Deoni, Tal. Deoni, Dist. Latur. Mr. Kolhare, learned advocate appearing for the petitioner has submitted that the name of the school 'Gomata Nivasi Matimand Vidyalay Deoni' was subsequently changed to 'Chhatrapati Shivaji Maharaj Nivasi Matimand Vidyalay, Renapur'. He further submits that such renamed school came to be transferred to the Management of Shri. Sangameshwar Shikshan Prasarak Mandal, Shiur.

4. On the contrary, it is the case of the Management that the Management never operated any school by name 'Gomata Nivasi Matimand Vidyalay, Deoni'. It was the specific case of the Management before the appellate authority that the Management was never running any school for mentally challenged upto the year 2002. The Management further contended that the appointment order

dated 15.06.2002 relied upon by the petitioner is a forged document.

5. Considering the pleadings and the submissions of the parties, the appellate authority has arrived at a conclusion that Chhatrapati Shivaji Maharaj Matimand Vidyalay, Renapur was earlier in the Management of Shriram Shikshan Prasarak Mandal, Navandi, Tal. Udgir, Dist. Latur and said school came to be transferred to the Management of Sangameshwar Shikshan Prasarak Mandal in the year 2005. Therefore, the appellate authority has come to the conclusion that the appointment order relied upon by the petitioner is forged. The appellate authority has further observed that the appointment of the petitioner was never approved, whereas the appointment of respondent no.5 was approved on the post of Arts Teacher from the year 2007. The appellate authority has, therefore, proceeded to reject the appeal of the petitioner.

6. Since the entire controversy revolves around the factum of the petitioner's appointment, I put across Mr. Kolhare a query as to how mere change in the name of the school would also entail change in the location of the school. This is because Gomata Nivasi Matimand Vidyalay is shown to be operational from village Deoni, Tal. Deoni, Dist. Latur. As against this, Chhatrapati Shivaji Maharaj

Niwasi Matimand Vidyalaya is shown to be operational at Renapur, Tal. Renapur, Dist. Latur. No document is placed on record by the petitioner to buttress his contention that the name of the school was changed. To my query as to how the location of the school also got changed, Mr. Kolhare is unable to provide any satisfactory answer. After the Management filed reply in the appeal taking a specific stand that the Management never ran / operated any school by name Gomata Nivasi Matimand Vidyalay Deoni, the petitioner filed additional pleading, which is produced at Exh. 'G' to the petition. However, in that additional pleading, the petitioner did not make any attempt to deal with such a serious factual dispute created by the Management.

7. In my opinion, therefore, no error can be found in the order passed by the appellate authority rejecting the petitioner's appeal. Consequently, the present petition being devoid of any merits is liable to be dismissed and is accordingly dismissed without any order as to the costs.

( SANDEEP V. MARNE )  
JUDGE