

Digitally
signed by
TRUSHA
TUSHAR
MOHITE
Date:
2022.08.20
17:05:46
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4353 OF 2022

Sadguru Jangli Maharaj Shikshan Sanstha
Kapuskhed and Anr.

..... Petitioner

Vs.

State of Maharashtra & Ors.

..... Respondents

Mr. N.V.Bandiwadekar i/b Ms.Ashwini N. Bandiwadekar for the
Petitioner

Ms.P.J.Gavhane, A.G.P. for the State

Mr.C.K.Bhangoji for Respondent no.4

**CORAM: S.V.GANGAPURWALA &
MADHAV J. JAMDAR, JJ.**

DATED : AUGUST 17, 2022

P.C.

1 The learned Counsel for the Petitioner submits that Petitioner is running a post basic Ashram School. Respondent no.4 was employee of post basic Ashram School and teaching Junior College. Respondent no.4 was terminated from service after departmental enquiry. He approached Respondent no.3. Respondent no.3 without authority directed Petitioner to reinstate Respondent no.4. According to the learned counsel, same is without jurisdiction.

2 The learned Counsel for the Respondent no.4 submits that the

Petitioner is governed by Ashram School Code. Remedy of appeal is provided under the Ashram School Code before the Respondent no.3.

3 Full bench of this court in the case of ***Suryakant s/o Sheshrao Panchal v/s Vasantnao Naik Vimukta Jati, Bhatakya Jamati Aadarsh Prasarak Mandal & Others***¹ has held that provisions of Maharashtra Employees of Private Schools (Conditions of Service) Regulations Act, 1977 and Rules apply to post basic Ashram School. In view of that, order of termination could have been challenged under section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulations Act, 1977. It is trite that the order passed without jurisdiction is *coram non judice*. Impugned order is quashed and set aside.

4 It is made clear that present order would not be an impediment for Respondent no.4 to challenge the order of termination before the School Tribunal.

5 Respondent no.4 shall file the Appeal within three weeks from today before School Tribunal. If such appeal is filed within three weeks, same shall be considered as having filed within the prescribed period of limitation.

1 (2002) 3 Mah.L.J. 659

6 Writ Petition as such is allowed. No costs.

(MADHAV J. JAMDAR,J.)

(S.V. GANGAPURWALA, J.)