

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8167 OF 2022

Shri.Shubham Shantinath Terdale

...Petitioner

Versus

The State of Maharashtra

Thr. Secretary School Education & Sports

Dept. & Ors.

...Respondents

Mr.Prashant Bhavake for the Petitioner.

Mrs.P.J. Gavhane, AGP for the Respondent-State.

CORAM : S.V. GANGAPURWALA &
S.M. MODAK, JJ.

DATE : 13 JULY 2022

P.C:-

. The proposal seeking approval to the appointment of the Petitioner as a Junior Clerk is rejected.

2. The learned counsel submits that the Petitioner is appointed as a Junior Clerk in a minority Institution as such the strict compliance of Section 5 of Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 ('MEPS Act' for short) is not necessary.

3. Reliance is placed on GR dated 13 July 2016.

4. We have heard the learned AGP.

5. It also appears that the Management has not submitted the list of the non-teaching employees. The other reason given for rejection is that the Institution has not sought the permission and no objection was not obtained.

6. The impugned order is set aside.

7. The Education Officer shall consider the GR dated 13 July 2016 wherein the guidelines are laid down by the Government in respect of the minority institution. The Management shall submit the list of the non-teaching staff working, to the Education Officer preferably within six weeks from the date of the communication of the present order to him by the Petitioner. The Education Officer shall thereafter decide the said proposal afresh preferably within four month from the date of receipt of the list from the Management.

8. The Writ Petition is disposed of. No costs.

(S.M. MODAK, J.)

(S.V. GANGAPURWALA, J.)