

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5231 OF 2022**

Sajanlal Rajbali Yadav

...Petitioner

Versus

The Education Inspector Greater
Mumbai & Ors.

...Respondents

BHALCHANDRA
GOPAL
DUSANE

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BHALCHANDRA
GOPAL DUSANE
Date: 2022.09.07
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Ms. Kumud Anilkumar Bhatia for Petitioner.
Mrs. S.S. Bhende, AGP for State.

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

DATED : 29TH AUGUST 2022

P.C. :

1. It is submitted that the Petitioner was appointed in the recognised School on 100% grant-in-aid post on 13th June 2001. The School where the Petitioner was appointed and working is de-recognized on 11th June 2007. The Petitioner was subsequently absorbed in another school on 1st December 2009. The Petitioner seeks continuity of service.
2. We have heard the learned AGP.
3. As per Rule 25(A) of the MEPS Act, if the School is de-recognized, the services are terminated, however, if the Petitioner is not responsible for

de-recognition of the School, then the Petitioner can be absorbed in another school.

4. In the present case, the Petitioner is absorbed in another school, meaning thereby the Petitioner was not responsible for recognition of the School.

5. In such a scenario though under Rule 25-A, the Petitioner would not be entitled for the salary during the interregnum, however said service can be counted for the purpose of continuity.

6. The Management shall submit the proposal to the Education Department for grant of continuity. The authority shall consider the said proposal and if he convinced that the appointment of the Petitioner in 2001 was on 100% grant-in-aid post that the School was de-recognized on 11th June 2007 and that the Petitioner was absorbed on 1st December 2009, then shall grant continuity in service to the Petitioner.

7. With these observations, the Writ Petition is disposed of. No costs.

(MADHAV J. JAMDAR, J.)

(S.V. GANGAPURWALA, J.)