

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1374 OF 2020**

Rajesh Vasant Kini	]	Petitioner
Vs.		
The State of Maharashtra through	]	
the Secretary Ministry of Education	]	
Mantralaya and others.	]	Respondents

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None for the Petitioner.

Ms. P.N. Diwan, A.G.P, for Respondents No.1 and 2-State.

Mr. G.J. Sabnis, for Respondents No.3 and 4.

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**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATE : 10th MARCH, 2022.

P.C.

1. Nobody is present for the petitioner.

2. We heard Ms. Diwan, learned A.G.P, for respondent No.1 and 2 - State and Mr. Sabnis, learned Counsel for respondents No.3 and 4.

3. Mr. Sabnis, learned Counsel for respondents No.3 and 4 invites our attention to Rule-29 and Rule-31 of The Maharashtra

Employees of Private Schools (Conditions of Service) Regulation Rules, 1981 (hereinafter referred to as “Rules 1981” for short).

4. Rule-31 of Rules 1981 lays down that such penalties as reprimand, warning, censure, withholding of an increment for a period not exceeding one year and recovery from pay or such other amount as may be due to the employee would be amongst the class of penalties called as minor penalties.

5. Rule-29 of Rules 1981 lays down that whenever an employee of a private school aggrieved with decision of imposing a minor penalty as specified in clause (1) of Rule-31 of Rules 1981 may prefer an appeal to the Deputy Director of the region concerned within 45 days from the date of receipt of the order of punishment.

6. In the present case, as seen from the memo of writ petition, the petitioner is an employee of a private school who has been awarded penalty of withholding of an increment for a period not exceeding one year, therefore, case of the petitioner is squarely covered by the alternate remedy provided under Rule-9 of Rules, 1981. This remedy cannot be said to be a remedy which is not

equally efficacious. The petitioner, therefore, ought to have taken recourse to the alternate remedy statutorily provided for redressal of his grievance, which he has not done so far.

7. In view of the above, we find that petition is not maintainable.

8. The petition is dismissed with liberty to the petitioner to take recourse to the alternate remedy, if so advised, keeping all questions open.

[G.A. SANAP, J.]

[SUNIL B. SHUKRE, J.]