

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1512 OF 2022

Kiran S/o. Chandrahasya Karwande

Aged 38 years, Occ. Service,

R/o. Sawana, Tah. Chikhali,

Dist. Buldana.

... Petitioner

- Versus -

1) Shri Gurudeo Ashram Palaskhed Sapkal

Post Dongarshewali, Tah. Chikhali,

Dist. Buldana, Through its Secretary.

2) Shri Gurudeo Vidyalaya, Dhodap

Tah. Chikhali, Dist. Buldana,

Through its Headmaster.

3) The Education Officer (Sec.)

Zilla Parishad, Buldana.

... Respondents

Mr. P. B. Patil, Advocate for the Petitioner.

Mr. A.S.Fulzele, Additional Government Pleader for Respondent
No.3.

CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.

DATE : 16 MARCH 2022

P.C. :

Heard learned Counsel for the parties.

2. A proposal was submitted by Respondent No.1 in respect of appointment of the Petitioner as an Assistant Teacher in Respondent No.2 School for approval of the Education Officer. The Education Officer by the impugned order dated 8 July 2020 raised certain grounds and rejected the proposal and has returned the same.

3. Learned Counsel for the Petitioner submits that the rejection is not proper as the grounds taken therein are not factually correct. The learned Counsel for the Petitioners states that the correct factual position can be placed on record by the Respondent Management, which is not doing so.

4. The order rejecting the proposal of the Petitioner's appointment for approval is an order against the Respondent Management. The Respondent Management has not challenged the order in this Court. Since the Petitioner is working with Respondent Management, the primary responsibility to pay the salary due to the Petitioner as per Schedule 'C' of the Maharashtra Employees of Private Schools (Conditions of Service) Rules 1981 is upon the Respondent Management. As held by the Full Bench of this Court in the case of *St. Ulai High School and Another Vs.*

*Devendraprasad Jagannath Singh and Another*¹, that merely because the approval is not granted, services of the teacher cannot be terminated. Therefore, the Respondent Management is under primary obligation to pay the salary and not terminate the service of the Petitioner. With these observations, underscoring the mandate of law as applicable to the Respondent Management, the Writ Petition is disposed of. No costs.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)

Kirtak