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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

61 WRIT PETITION NO.3776 OF 2023

**SHUBHANGI SHIVSHANKAR CHANDAGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL
SECRETARY AND OTHERS**

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Mr S. S. Dambe, Advocate for Petitioner;
Mr S. G. Karlekar, A.G.P. for Respondent Nos.1 to 3

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 3rd April, 2023

PER COURT:

1. The Petitioner is an 'Assistant Teacher' in a School at Majalgaon. She was also a Director of a Private Co-operative Society/Bank. Since her name was mentioned in the list of accused in the first information report dated 22/05/2018, bearing No.0107/2018 lodged with the Patoda Police Station, District Beed, she disappeared on 10/04/2018. She was granted bail on 17/08/2022. There are 7 FIRs registered against her for different offences in different Police Station. The last bail was granted to her on 04/01/2023, by the High Court. Thereafter, she reported

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for duties after an absence of 4 years and 9 months. She desires to re-join duties.

2. The learned A.G.P. submits that, considering the provisions of the Maharashtra Employees of Private Schools (Condition of Service) Regulation Act, 1977 and the Maharashtra Employees of Private Schools (Condition of Service) Rules, 1981, it cannot be ruled out that the Petitioner is deemed to have abandoned employment. She may have to approach the School Tribunal.

3. The learned Advocate for the Petitioner submits that, she has not been officially communicated that her name is removed from the muster roll. Her representations dated 06/01/2023, 25/01/2023 and 14/02/2023 have tendered to Respondent No.3/ Education Officer (Secondary), Zilla Parishad, Beed and Respondent No.5/ Headmaster of the School. It is prayed that, these representations be decided by Respondent No.3.

4. In view of the above, as we are not inclined to entertain disputed questions, this petition is disposed off. Let Respondent No.3 consider the said representations of the Petitioner, by calling for a report/explanation from the School,

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and after granting sufficient opportunity of hearing to all the stakeholders, arrive at a decision within the framework of law. Let such decision be communicated to the Petitioner.

5. Needless to state that, if the service of the Petitioner is deemed to be abandoned, she would be at liberty to approach the School Tribunal.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

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