



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH AT NAGPUR.**

Writ Petition No. 641 of 2023

- (1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.
- (2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

- (1) Sheshrao Gangaram More
Age about 53 Yrs, Occ- Service,
R/o Mahalaxmi Nagar, Kakadatti
Tq. Pusad, Dist. Yavatmal.
- (2) Joint Director of Technical Education
Amravati Region Amravati
- (3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi through it's Secretary
- (4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.
- (5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with
Writ Petition No. 6167 of 2022

(1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.

(2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

(1) Manzoor S/o Gulam Ahmed
Age about 42 Yrs, Occ- Service,
R/o Gandhi Nagar Opposite Jdhao Kirana
Pusad, Dist. Yavatmal.

(2) Joint Director of Technical Education
Amravati Region Amravati

(3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi.

(4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.

(5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with
Writ Petition No. 650 of 2023

(1) Janta Shikshan Prasarak Mandal
 Pusad through its President
 Shri. Jai Naik, Aged about 65 years,
 Occ-Agriculture,
 R/o Naik Bungalow, Near
 Main Road Pusad also at Gandhi
 Nagar Tq. Pusad Distt. Yavatmal.

(2) In-charge Principal
 Dr. N. P. Hirani Institute of Polytechnic
 Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

(1) Shrikant Yamanji Pulate
 Age about 30 Yrs, Occ- Service,
 R/o Kakadatti, Pusad,
 Tq. Pusad, Dist. Yavatmal.

(2) Joint Director of Technical Education
 Amravati Region Amravati

(3) All India Council for Technical Education
 Nelson Mandela Marg, Vasat Kunj,
 New Delhi through it's Secretary

(4) Maharashtra State Board of Technical
 Education through its Director,
 4th floor, Government Technical
 Education Building, 49, Kherwadi,
 Bandra (East) Mumbai.

(5) The Principal
 Dr. N. P. Hirani Institute of Polytechnic
 Tq Pusad Distt. Yavatmal.

... Respondents

with
Writ Petition No. 649 of 2023

(1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.

(2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

(1) Virendra Vinayak Khakare
Age about 41 Yrs, Occ- Service,
R/o Vasant Nagar, Pusad,
Tq. Pusad, Dist. Yavatmal.

(2) Joint Director of Technical Education
Amravati Region Amravati

(3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi through it's Secretary

(4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.

(5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with
Writ Petition No. 638 of 2023

(1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.

(2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

(1) Gopal Janusing Pawar
Age about 38 Yrs, Occ- Service,
R/o Ghandi Nagar, Digars
Tq. Digras, Dist. Yavatmal.

(2) Joint Director of Technical Education
Amravati Region Amravati

(3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi through it's Secretary

(4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.

(5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with
Writ Petition No. 642 of 2023

(1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.

(2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

(1) Swapnil Ganeshrao Chaudhari
Age about 33 Yrs, Occ- Service,
R/o Post Basani,
Tq. Pusad, Dist. Yavatmal.

(2) Joint Director of Technical Education
Amravati Region Amravati

(3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi through it's Secretary

(4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.

(5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 648 of 2023

(1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.

(2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

(1) Gajanan Gyanbarao Kale
Age about 36 Yrs, Occ- Service,
R/o Parate Layout, Gandhi Nagar Road
Tq. Pusad, Dist. Yavatmal.

(2) Joint Director of Technical Education
Amravati Region Amravati

(3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi through it's Secretary

(4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.

(5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 171 of 2023

(1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.

(2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

(1) Jaysing Vasram Ade
Age about 50 Yrs, Occ- Service,
R/o Kakadatti, Pusad
Tq. Pusad, Dist. Yavatmal.

(2) Joint Director of Technical Education
Amravati Region Amravati

(3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi through it's Secretary

(4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.

(5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 166 of 2023

(1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.

(2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

(1) Salim S/o Aziz Khan
Age about 47 Yrs, Occ- Service,
R/o Gandhi Nagar
Tq. Pusad, Dist. Yavatmal.

(2) Joint Director of Technical Education
Amravati Region Amravati

(3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi.

(4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.

(5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 635 of 2023

(1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.

(2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

(1) Vinod Mukinda Dhole
Age about 32 Yrs, Occ- Service,
R/o Kakaddatti
Tq. Pusad, Dist. Yavatmal.

(2) Joint Director of Technical Education
Amravati Region Amravati

(3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi

(4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.

(5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 170 of 2023

(1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.

(2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

(1) Rajesh S/o Rambilas Soni
Age about 44 Yrs, Occ- Service,
R/o Navin Pusad, In front of Yashwant Stadium,
Pusad, Dist. Yavatmal.

(2) Joint Director of Technical Education
Amravati Region Amravati

(3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi

(4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.

(5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 167 of 2023

(1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.

(2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

(1) Nitinkumar Ratan Rathod
Age about 36 Yrs, Occ- Service,
R/o Jaiswal Chawl, Neheru Ward,
Tq. Pusad, Dist. Yavatmal.

(2) Joint Director of Technical Education
Amravati Region Amravati

(3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi

(4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.

(5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 168 of 2023

(1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.

(2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

(1) Umesh Devidas Shende
Age about 42 Yrs, Occ- Service,
R/o Mahalaxmi Nagar, Kakadatti,
Pusad, Tq. Pusad, Dist. Yavatmal.

(2) Joint Director of Technical Education
Amravati Region Amravati

(3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi

(4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.

(5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 172 of 2023

(1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.

(2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

(1) Mahadeo Devba Mahajan
Age about 50 Yrs, Occ- Service,
R/o Ward No.2,
Tq. Lonar, Dist. Budhana.

(2) Joint Director of Technical Education
Amravati Region Amravati

(3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi

(4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.

(5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 175 of 2023

- (1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.

- (2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

- (1) Nilesh S/o Ganeshwar Pawar
Age about 38 Yrs, Occ- Service,
R/o Behind Panchwati Hanuman Mandir,
Tirupati Park, Shrirampr, Tq. Pusad,
Dist. Yavatmal.

- (2) Joint Director of Technical Education
Amravati Region Amravati

- (3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi.

- (4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.

- (5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 174 of 2023

- (1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.
- (2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

- (1) Narayan Arvindrao Maske
Age about 39 Yrs, Occ- Service,
R/o Veni (Khurd), Post Harshi,
Tq. Pusad, Dist. Yavtmal.
- (2) Joint Director of Technical Education
Amravati Region Amravati
- (3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi.
- (4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.
- (5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 169 of 2023

- (1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.
- (2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

- (1) Paravej S/o Idris Khan,
Age about 33 Yrs, Occ- Service,
R/o Near Urdu Junior College,
Mazid Road, Tq. Pusad,
Dist. Yavatmal.
- (2) Joint Director of Technical Education
Amravati Region Amravati
- (3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi.
- (4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.
- (5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 173 of 2023

- (1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.
- (2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

- (1) Govind Basvant Nimgade
Age about 30 Yrs, Occ- Service,
R/o Rajeshwar Colony, Green Park
Shrirampur, Tq. Pusad, Dist. Yavatmal.
- (2) Joint Director of Technical Education
Amravati Region Amravati
- (3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi.
- (4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.
- (5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 639 of 2023

- (1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.
- (2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

- (1) Vilas S/o Kaduji Kankal
Age about 39 Yrs, Occ- Service,
R/o Jagdhamba Park, Kawdipur,
Tq. Pusad, Dist. Yavatmal.
- (2) Joint Director of Technical Education
Amravati Region Amravati
- (3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi.
- (4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.
- (5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 634 of 2023

- (1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.
- (2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

- (1) Shankar Chintamani Sanghai
Age about 54 Yrs, Occ- Service,
R/o Near Z. P. School, Shrirampur,
Tq. Pusad, Dist. Yavatmal.
- (2) Joint Director of Technical Education
Amravati Region Amravati
- (3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi.
- (4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.
- (5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 177 of 2023

- (1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.
- (2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

- (1) Bhimashankar Mahadeoapp Chakote
Age about 51 Yrs, Occ- Service,
R/o Z. P. Colony, Shrirampur, Pusad,
Tq. Pusad, Dist. Yavatmal.
- (2) Joint Director of Technical Education
Amravati Region Amravati
- (3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi.
- (4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.
- (5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

with

Writ Petition No. 176 of 2023

- (1) Janta Shikshan Prasarak Mandal
Pusad through its President
Shri. Jai Naik, Aged about 65 years,
Occ-Agriculture,
R/o Naik Bungalow, Near
Main Road Pusad also at Gandhi
Nagar Tq. Pusad Distt. Yavatmal.
- (2) In-charge Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq. Pusad Distt. Yavatmal.

... Petitioners

- Versus -

- (1) Sandip S/o Babusing Rathod,
Age about 51 Yrs, Occ- Service,
R/o Bhopasing Naik Nagar, Shrirampur,
Pusad, Dist. Yavatmal.
- (2) Joint Director of Technical Education
Amravati Region Amravati
- (3) All India Council for Technical Education
Nelson Mandela Marg, Vasat Kunj,
New Delhi.
- (4) Maharashtra State Board of Technical
Education through its Director,
4th floor, Government Technical
Education Building, 49, Kherwadi,
Bandra (East) Mumbai.
- (5) The Principal
Dr. N. P. Hirani Institute of Polytechnic
Tq Pusad Distt. Yavatmal.

... Respondents

Mr. A. S. Deshpande, Advocate for the petitioners
Mr. R. L. Khapre, Senior Advocate assisted by Mr. R. G. Kavimandan,
Advocate for respondent no. 1
Ms. M. H. Deshmukh, AGP for respondent no. 2
Mr. N. P. Lambat, Advocate for respondent no. 3
Mr. P. R. Puri, Advocate for respondent no. 4
None present for respondent no. 5 though served

CORAM : ANIL L. PANSARE, J.

Date of reserving judgment : 18-10-2023

Date of pronouncing judgment : 30-10-2023

JUDGMENT

Rule. Rule made returnable forthwith. With consent, the petitions are heard finally.

2. The petitioner no. 1 in all these petitions is an educational society duly registered under the Societies Registration Act and also a public trust registered under the Maharashtra Public Trusts Act, 1950. The petitioner no. 2 is in-charge Principal of Dr. N. P. Hirani Institute of Polytechnic, Tahsil Pusad, District Yavatmal, one of the institutes run by the petitioner no. 1 – society. These two petitioners will be hereinafter referred to as petitioners. Respondent no. 1 in all the petitions is/was employee in the petitioner's institute. Some of them were administrative staff and some were teachers. The respondent no. 1 shall be hereinafter referred to as an employee. Respondent no. 2 is a

Joint Director of Technical Education, Amravati Region, Amravati (in short 'Joint Director'). Respondent no. 3 is All India Council for Technical Education (in short 'AICTE'). Respondent no. 4 is Maharashtra State Board of Technical Education (in short 'MSBTE'). Respondent no. 5 is/was the Principal of petitioner no. 2 – institute.

3. According to the petitioners, since the petitioner no. 2 – institute has been de-affiliated, full time Principal is not available. However, the respondent no. 1 – employee having made Principal as party respondent to the appeal, the respondent no. 5 herein has been made party to avoid technical objection.

4. The common question involved in the petitions relates to termination of an employee who challenged his/her termination before the School Tribunal, Amravati by filing various appeals. The Tribunal found merit in the challenge and allowed the appeals directing the petitioners to re-instate the employee on his former post in the petitioner no. 2 – institute within 60 days from the date of order as also to pay full salary with effect from 7-6-2019 which were to be paid within three months from the date of order. The employee was declared entitled for full salary from the next day of the order passed by the Tribunal.

5. These orders have been passed in the appeals filed separately by each employee. The petitioners have challenged the same by way of these petitions. For the sake of convenience, learned counsel for the parties have referred to the facts of Writ Petition No. 641/2023.

6. Having heard both sides and having gone through the record, it appears that the employee had joined the service on or about 6-9-1984. At the relevant time, he was working as Laboratory Attendant. He was permanent employee of the institution. The management of the petitioner's trust and institute did not pay salary. The employee therefore, preferred writ petition before this Court. This Court directed the management to pay salary to the petitioner. Despite order, the management did not pay salary. The employee gave ultimatum to the management of withholding work with effect from 19-12-2017 as also of stopping work with effect from 26-12-2017. According to employee, the petitioner's management was aggrieved by the legitimate demand made by the employee of his salary but because he approached the High Court and sought relief against the petitioners, the management has terminated his services with effect from 7-6-2019 without following due procedure of law.

7. According to the petitioners, the employees of the institute were responsible for de-recognition of institute at the hands of AICTE.

It has placed the institute in 'no admission category' since the year 2018-19. It is further the case of the petitioners that the employees were responsible for de-affiliation of the institute from the year 2018-2019 at the hands of MSBTE. The petitioners case was that the employees were responsible for drastic reduction in the strength of the students. This reduction in the strength affected financial condition of the petitioners. Despite this, the petitioner's management had assured the employees of payment of salary once the outstanding scholarship amount of backward class students is received from the State Government. The employees, however, lodged complaint with AICTE which resulted into de-recognition of the petitioner's institution with effect from 2018-2019 and further the institute was placed in 'no admission category' with effect from 30-4-2018. The petitioner's management, therefore, in the meeting dated 22-4-2019 resolved for the closure of the institute. The relevant portion of the resolution reads thus :

"9. It was therefore further resolved that in view of the automatic closure of the institute resulted in view of the order dated 30.04.2018 issued by the AICTE and order dated 22.06.2018 issued by MSBTE at the end of the academic year 2018-2019 as a consequence of de-recognition coupled with disaffiliation the services of teaching and non-teaching staff of the institute are required to be discontinued/terminated as the closure of the institute because of de-recognition stands covered by the provisions of explanation (ii) or Sub-rule(1) of Rule 25-A

of Maharashtra Employees of Private Schools (Conditions of Service) Rules 1981.”

8. This closure, according to the petitioners, being automatic, in terms of Section 25A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (in short ‘MEPS Rules’), the termination order cannot be faulted with.

9. The School Tribunal has taken into consideration the provisions of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and MEPS Rules, reply filed by the AICTE and the MSBTE to observe that the terms ‘automatic de-recognition’ or ‘automatic closure’ does not exist in any statute. The Tribunal found from the reply of AICTE and MSBTE that these authorities have never withdrawn the recognition of the petitioner no. 2, rather the letter dated 21-6-2019 issued by the Joint Director indicates that because of withdrawal of affiliation by MSBTE, the petitioner no. 2 has sent proposal for transfer of the students. According to the School Tribunal, this letter makes it clear that withdrawal of affiliation was only for new admission and it was the responsibility of petitioner no. 2 to complete the education of the students already admitted in the institute. The letter further indicates

that the institute/society has not sent the proposal for the closure of the institute to the State Government or to AICTE.

10. The School Tribunal has then noted the contents and reasons of termination of the employee as noted in the termination order dated 7-5-2019. The reasons put forth were as follows.

“In view of placing under “No Admission Category” by AICTE, New Delhi and de-recognition by MSBTE, Mumbai the closure of Dr. N. P. Hirani Institute of Polytechnic, Pusad would become with effect from 31/05/2019, consequently the services of employee would no longer be required and hence by the present notice of termination/retrenchment it is ordered that the services of employee in the petitioner – institute shall stand discontinued/retrenched with effect from 7 June 2019 without any further order in the matter.”

11. The Tribunal then referred to Rule 25A and 26 of the MEPS Rules and held that these two rules or for that purpose any rule under the MEPS Rules does not provide for automatic de-recognition or automatic closure and thus termed the action of the petitioners terminating the services of employee as illegal and, accordingly directed his reinstatement.

12. Mr. A. S. Deshpande, learned counsel for the petitioners contends that the petitioner – institute was granted affiliation by AICTE in the year 1984 on permanent non-grant basis. It was thus dependent

upon intake of the students for its survival. The employees including teaching staff stopped the work with effect from 26-12-2017. The AICTE vide order dated 30-4-2018 put the petitioner no. 2 institute in 'no admission category'. On 26-6-2018, MSBTE ordered de-affiliation of the petitioner no. 2 - institution. According to him, the petitioner's management was left with no other alternative but to pass resolution for closure of institution and accordingly the services of the employee was terminated with effect from 7-5-2019. He contends that since the affiliation of the petitioner no. 2 – institute stood withdrawn, the institute lost its de-recognition within the meaning of Rules 2, 21 read with Rule 26 of MEPS Rules. He further submits that the School Tribunal has failed to consider the scope of Rule 25-A and 26 of the MEPS Rules and rendered an erroneous findings. He has invited my attention to Rule 25-A which reads thus :-

[25A. Termination of Service on account of abolition of posts. -

(1) The services of permanent employee may be terminated by the Management on account of abolition of posts due to closure of the school after giving him advance intimation of three months to the effect that in the event of closure of the school, his services shall automatically stand terminated. In the case of closure of school due to de-recognition, such advance intimation of three months shall be given by the Management to the permanent employees after receipt of a show cause notice from the Deputy Director.

Explanation : For the purpose of this sub-rule, the expression 'closure of the school' shall include,-

- (i) voluntary closure by the Management of the entire school if it is imparting instruction through one medium or a part of the school comprising one or more media of instruction if it is imparting instruction through more than one medium; and*
 - (ii) closure of the school due to de-recognition by the Department.*
- (2) The names of the employees in aided schools, whose services stand terminated in accordance with sub-rule (1) on account of de-recognition and who are not directly responsible for such de-recognition, shall be taken on a waiting list by the Education Officer in the case of Primary and Secondary Schools or by the Deputy Director in the case of Higher Secondary Schools and Junior College of Education, and same shall be recommended by him to the Managements of newly opened aided schools or of the existing aided schools which are allowed to open additional divisions or classes for consideration.*

13. Learned counsel for the petitioners has by referring to sub-rule (1) and explanation thereto submitted that the permanent employee may be terminated by the management on account of abolition of posts due to closure of school and that the second explanation provides that there could be closure of the school due to de-recognition by the Department. According to him, the Department had de-recognized the petitioner no. 2 - institute and, therefore, it would amount to automatic closure resulting into abolition of posts and, therefore, termination of the employee was justified.

14. These submissions have been rightly countered by Mr. R. L. Khapre, learned Senior Counsel appearing for the respondent no. 1 and the counsel appearing for AICTE and MSBTE as also by learned

Assistant Government Pleader. My attention has been invited to Section 25(1)(j) of the Maharashtra State Board of Technical Education Act, 1997 (hereinafter referred to as 'Act of 1997'). It provides that the management, while applying for affiliation, shall give undertaking that the institution shall not be closed without previous permission of the Board. Section 35 provides that no management of any institution shall be allowed to close down the institute without prior permission of the Government.

15. Admittedly, the petitioners have not placed on record either the application filed by the petitioner's management to close the petitioner no. 2 – institute and the order passed thereon by the State Government. In absence thereof, the contention put forth by the learned counsel for the petitioners that the closure would be automatic in terms of sub-rule (1) of Rule 25A of the MEPS Rules is misconceived. There should not be any doubt that for closure of the institution, the management will have to submit an application in terms of Section 35 of the Act of 1997, which is not the case here. So far as Rule 26 of the MEPS Rules is concerned, it provides for retrenchment on account of abolition of posts. It provides that a permanent employee may be retrenched from service by the Management after giving him three months' notice on the grounds mentioned in sub rule (1) of Rule 26

which *inter alia* includes fall in the number of pupils resulting in reduction of establishments. In the present case, the notice as per sub-rule (1) of Rule 26 has, however, not been issued. The employee has been terminated under the unilateral presumption that the institute has automatically closed and automatically de-recognized. This presumption is contrary to law. In any case, having not complied the mandate under Rule 26, the benefit under said Rule cannot be extended.

16. Learned Senior Counsel Mr. R. L. Khapre has invited my attention to the judgment passed by the Division Bench of this Court in the case of ***Rajendra G. Kulkarni and ors. Vs. State of Maharashtra through the Secretary, Higher Technical Education and Employment Department and others [2018 SCC OnLine Bom 466]***. The Court has elaborately dealt with the scope of Section 35, in following terms.

“20. The most important section is subsection (3) of Section 35, which mandates that Respondent No. 4 – Board, on receipt of the application, shall cause to make enquiries as it deems fit to assess and determine whether the Institution be permitted to effect the closure. It is also required to examine, whether the closure should be avoided by providing necessary assistance by Government or taking over of the Institute by the Government or transferring it to another management. It could thus be seen that, the legislative intent appears to be that, as far as possible, closure of running Institute should be avoided. Firstly, upon enquiry, the Board is required to go into subjective satisfaction

as to whether closure can be avoided by taking assistance from the Government. Secondly, it is required to arrive at a subjective satisfaction, whether Institute should be taken over by the Government and, thirdly, it is also required to examine as to whether Institute can be transferred to another management.

21. *After complying with the procedure prescribed under subsection (3) of Section 35, if the Board decides to recommend the closure, it is required to prepare and submit a report on the extent of damages or compensation to be recovered from the management and whether the assets created, utilising the funds provided by the Government or other public funding agencies, be transferred to the Government or other management, and the payment of compensation to the teachers and the staff retrenched.*

22. *At the cost of repetition, we may state that the words which are used in the statute are not restricted to the funds provided by the Government. However, the scope is widened by using the words “other public funding agencies”. Again, the legislative intent appears to be that, such of the Institutions which are established by utilizing the funds from public funding agencies, should not be permitted to enrich themselves but their properties be utilized for productive purposes. Respondent No.4 – Board is also mandated to assess the payment of compensation to be made to teachers and the staff to be retrenched. Subsection (5) of Section 35 requires that, if the Board has recommended the closure of the affiliated Institution, the Government may issue the order for closure.*

23. *Subsection (6) of Section 35 requires that, if the Government decides to take over the Institution or transfer the same to another management the procedure to be followed shall be such as may be prescribed by the Government. Subsection (7) of Section 35 provides that, while permitting the closure in phasewise manner, procedure should be such that the students already admitted to the Institution are not affected, and that the first year shall be closed first and no new admissions shall be effected.*

24. *As already discussed hereinabove, after an application for closure is made by the Institution, an important duty is cast upon Respondent No. 4 – Board. The legislative intent is that, Respondent No.4 – Board should first make an attempt to see to it as to whether closure can be avoided by providing Government assistance. If it is not possible, it has to apply its mind and decide as to whether the Government can take over the Institution and, thirdly, it has to subjectively decide as to whether the Institution can be transferred to another management. Respondent No.4 – Board is also required to prepare a report and point out various aspects as provided in subsection (4) of Section 35 of the said Act, including payment of compensation to be made to the teachers and the staff retrenched. Subsection (5) of Section 35, therefore could come into play only after the procedure prescribed under subsections (2) to (4) are followed by Respondent No. 4 – Board.”*

It is thus evident that unless the application for closure is submitted by the management before the Board, which will follow necessary enquiry, institute cannot be deemed to be closed in absence of the order of the Board. Thus, the concept of automatic closure is not recognized by law.

17. The Tribunal, therefore, has rightly held that the petitioners have not complied with procedure prescribed under Rules 25A of the MEPS Rules and Section 35 of the Act of 1997. The employee was not given three month prior notice. The petitioners failed to place on record the order of closure of the institute. The Tribunal has thus rightly held that the employees’ termination suffers from illegality, since the petitioners have not followed due procedure of law. I do not find

any error in the order. There is, thus, no merit in the petitions. No interference is called for in writ jurisdiction. The petitions are dismissed.

(Anil L. Pansare, J.)

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