

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

Writ Petition No.3389/2019

Smt. Vatsala V Dharampeth Education Society, Nagpur and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. R.N. Deshpande, Adv for petitioner.

Mr. A.R. Patil, Adv for respondents.

CORAM : AVINASH G GHAROTE, J.

DATE : 02-02-2023

Heard the learned Counsel for the petitioner
and the respondents.

2. The learned Counsel for the petitioner contends that the petitioner was working as a Peon in the Middle School as well as High School for the duration 1990 to 2015, when she is claimed to have been terminated orally on 30-06-2015.

3. The order of appointment of the petitioner, Annexure-A (page 14), Annexure-B (page 15) and Annexure-C (page 16), which are from 19-07-1990 to 30-03-1992, indicate that she was appointed as an 'Aaya' on a temporary basis. In order to substantiate the plea, that the petitioner was working as a Peon in the middle school, two documents are relied namely; Annexures-D and E, which indicate deduction of Provident Fund contribution. That apart, there is absolutely no material on record, to indicate, that the petitioner had ever worked as a Peon, in

the Middle School. It is the categorical plea of the respondents, that the petitioner was appointed as an 'Aaya' for the purpose of Nursery, KG-1 and KG-2 sections of the respondents, considering which, the learned Tribunal has come to the conclusion that an appeal u/s 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short, the "MEPS Act"), would not be maintainable as the Act does not provide for any appeal to employees of Pre-school and has declined to accept the appeal. When a claim is made that the petitioner has been working as a Peon with the respondents, such a claim, is eminently demonstrable by multiple documents, which had to be in existence in that regard. However, except documents Annexures-D and E, there is absolutely nothing on record to indicate that the petitioner had any point of time worked as a Peon in the middle school run by the respondents.

4. In view of which, I do not see any reason to interfere in the impugned judgment as no material has been brought to my notice to take a contrary view, considering which, the petition is dismissed. No costs.

JUDGE