

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10020 OF 2024

Rayat Shikshan Sanstha Through Its Chairman/secretary And Anr.	...Petitioners
Versus	
Sanjay Prataprao Jadhav And Anr.	...Respondents

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Mr. Milind Deshmukh, for the Petitioners.

Ms. V. R. Raje, A.G.P. for the Respondent – State.

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CORAM	:	AVINASH G. GHAROTE, J.
DATE	:	26th JULY, 2024

P.C.:

1. Heard Mr. Milind Deshmukh, learned counsel for the petitioners.
2. The petition questions the judgment dated 18.03.2024, passed by the learned School Tribunal, Kolhapur, by which the appeal filed by the employee under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 has been allowed by setting aside the order of termination dated 07.12.2017 on the ground, that the constitution of the management committee, for inquiry against

the employee, who was the Head Master did not comply with the requirement of Section 36(2)(b)(i) of the M.E.P.S. Rules as one of the constituent of the inquiry committee was not the President of the management, on account of the fact, that the name of the convener Mr. A.A.Patil, who was claimed to be the president of the management was not shown in the extract of the Public Trust Register form 2015 to 2017 (Exhibit-38). The learned counsel for the petitioners submits that the petitioners, had formed a Committee of which the president was Mr.A.A.Patil, who was empowered to represent management in any inquiry against an employee, which was in the terms of bye-laws.

3. In my considered opinion, the language of Section 36(2)(b) of the MPES Rules is clear and specific and mandates that one member of the inquiry committee would be the president of the management. That being the clear position, the Change Report No.1532/2017 placed on record at (Page-18) indicates, that on 09.05.2017, Mr.Sharadrao Govindrao Pawar was the President of the petitioner, which was the position even in the earlier Change Report for the earlier period ((Page-18). This Change Report has been accepted by the Assistant Charity Commissioner by his order

dated 12.03.2019 (Page-23) which would indicate that it was necessary for the President of the petitioner trust, to have been a member of the inquiry committee in order to satisfy the requirement of Section 36(2)(b)(i) of the M.P.E.S. Rules. Since this is admittedly not the position the finding rendered by the learned School Tribunal that the inquiry committee has not been constituted properly cannot be interfered with as the same is in consonance with the requirement of Section 36(2)(b)(i) of the M.E.P.S. Rules. The petition therefore does not have any merits and is therefore dismissed. No costs.

(AVINASH G. GHAROTE, J.)