

JPP

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

WRIT PETITION NO. 16652 OF 2023

Shrikant Kakaso Patil

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. Datta H. Pawar for the Petitioner

Ms. Prabha Badadare for Respondent No.4

Mr. B.V. Samant, Addl. G.P. with Ms. R.M. Shinde, AGP for
Respondent Nos. 1 to 3

***CORAM : NITIN JAMDAR &
M.M. SATHAYE, JJ.***

DATE : 10 JANUARY 2024

P.C. :-

The Petitioner was appointed on compassionate basis with the Respondent Nos. 4 and 5 and the proposal for approval of the Petitioner's appointment was sent on 16 February 2023. This approval was rejected by order dated 31 March 2023. After the rejection of the approval, it appears that the Respondent Nos. 4 and 5 have not challenged the same. The Petitioner is before us with a prayer that the Petitioner's representation to be decided but once the

approval has been rejected, it is for the Respondent Nos. 4 and 5 against whom this order is passed to challenge the same which the Respondent Nos. 4 and 5 have not done. The legal position is clear that even if approval is not granted, the responsibility of the management to pay the salary to the teachers as per Schedule C and Rule 7 of the Maharashtra Employees of Private Schools Rules, 1981 is not taken away. The legal position is also clear that merely because the approval is not granted, that alone cannot be a ground for termination. In case the Respondent Nos.4 and 5 seek to challenge the rejection of approval, keeping that challenge open, the Writ Petition is disposed of.

M.M. SATHAYE, J.

NITIN JAMDAR, J.