



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15844 OF 2023

Shree Datta Shetkari Sahakari Sakhar Karkhana Ltd.

Thr President And Ors.

...Petitioners

Versus

Smt. Meenakshi Ganpati Mankale And Ors.

...Respondents

Adv. V. B. Rajure for the Petitioners.

Adv. Tanu Bhatia, AGP for the State.

Coram : Sharmila U. Deshmukh, J.

Date : July 1, 2024.

P. C. :

1. Heard.

2. By this Petition, the challenge is to the order dated 29th March, 2023 passed by the School Tribunal upon an Application filed by the Petitioner below Exhibit 28.

3. Against the order of termination, Respondent No. 1 had filed Appeal under Section 9 of the Maharashtra Employees Private Schools (Conditions of Service Regulation) Act, 1977 (MEPS Act) before the Presiding Officer of the Tribunal and also sought declaration that the report and the chargesheet are illegal and improper. In the Appeal filed under Section 9 of the MEPS Act, the Respondent No. 1 impleaded the members of the enquiry committee as well as the other staff members. The Petitioner filed an Application before the School Tribunal that as the other Respondents are neither necessary party nor having any concern with the reliefs sought by the

Respondent No. 1, the Appeal should be dismissed for want of prosecution. The said Application came to be rejected by the School Tribunal.

4. Learned counsel for the Petitioner submits that by impleading the members of the enquiry committee and the other staff members, there is a miss-joinder of parties and thus, the Appeal is required to be dismissed.

5. The challenge in the Appeal is to the order of termination passed by the Petitioner. Even if it is accepted that the members of the enquiry committee as well as the other staff members are wrongly impleaded in the same proceeding, the same will not denude the School Tribunal of its jurisdiction to decide the Appeal under Section 9 of the MEPS Act. What is required to be considered is the subject matter of the Appeal before the Tribunal, which is the order of termination passed by the management. It is only the School Tribunal under Section 9 of the MEPS Act which would have jurisdiction to deal with the same. Even otherwise under Order I, Rule 9 of CPC no suit shall stand defeated by reason of miss-joinder of the parties. The impleadment of the other parties would not impact the subject matter of the proceeding which falls within the jurisdiction of the School Tribunal. The Tribunal has rightly held that merely adding parties, cannot result in ouster of jurisdiction of the School Tribunal and the consequence of the miss-joinder can be considered at the time of the final judgment. There is no infirmity which is demonstrated in the said order.

6. The Petition being devoid of merits stands dismissed.

[Sharmila U. Deshmukh, J.]