

SA Pathan

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

**WRIT PETITION NO.1645 OF 2020**

Shankar Sukhdev Kalel

... Petitioner

**V/s.**

Shikshan Prasarak Sanstha Khanapur,  
Sangli & Ors

... Respondents

Mr. Tanaji Mhatugade, for Petitioner.

Mr. S. S. Patwardhan i/by Ms. Mrinal A. Shelar, for  
Respondent No.1.

Mr. P. G. Sawant, AGP, for State/Respondent No.3.

**CORAM : AMIT BORKAR, J.**

**DATED : JANUARY 5, 2024**

**PC.:**

**1.** The petitioner is a teacher who filed an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and Rules, 1981. According to the petitioner, he was appointed permanent employee of the respondent/Management against the permanent vacancy on 14 June 2010. He completed his probation on 13 June 2013. Thereafter, the respondent did not allow him to join the work. Therefore, he filed Appeal No.57 of 2013.

**2.** The School Tribunal dismissed the appeal for want of cause of action holding that the respondent/Management did not

terminate the service of petitioner. But, thereafter, on 22 January 2016 the Education Officer cancelled petitioner's approval. The petitioner challenged the order by filing writ petition before this Court, this Court directed the Education Officer to pass reasoned order. However, according to the petitioner, based on such refusal to approval service, the Management again did not allow him to join the work and sign the muster. Thereafter, the petitioner filed Appeal No.22 of 2018.

**3.** The respondent stated before the School Tribunal that the petitioner's service was not terminated and he can join his duty. The School Tribunal recorded a finding that the petitioner failed to prove that the Management restrained him from signing the muster and to work in school.

**4.** The School Tribunal further recorded a finding that the petitioner has resumed his duty from 27 June 2017. Therefore, there is no question of granting relief based on finding that the petitioner's service was never terminated by the Management. The School Tribunal refused to grant any other relief.

**5.** Mr. S. S. Patwardhan, learned Advocate for the respondents/ Management states that except deducting three months unpaid leave rest of the salaries has been paid to the petitioner for period from 3 October 2016 till 26 June 2017. Therefore, no interference under writ jurisdiction is called for.

**6.** The writ petition is dismissed. No costs.

**(AMIT BORKAR, J.)**