

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(15) WRIT PETITION NO. 5883 OF 2024

Sunita Pandurang Kolapkar

...Petitioner

Versus

The State Of Maharashtra and Ors.

...Respondents

AND

(20) WRIT PETITION NO. 5910 OF 2024

Yojana Sachin Patil

...Petitioner

Versus

The State Of Maharashtra and Ors.

...Respondents

Mr. Vivek V. Salunke, for Petitioners in both Petitions.

Ms. Nisha Mehra, AGP for Respondent Nos.1 and 2 in WP/5883/2024.

Ms. Rupali Shinde, AGP for Respondent Nos.1 and 2 in WP/5910/2024.

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

DATE : 24 APRIL 2024

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NADAF
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P.C.:

. The learned counsel for the Petitioners seeks time to give notice to Respondent No. 3 and file affidavit of service.

2. Stand over to **25 June 2024**.

3. The impugned orders are rejection of the proposal submitted by the Respondent- Management to the Deputy Director of Education. The proposals were submitted for approval to the

Petitioners' appointment in respect of grant in aid. If the proposals are rejected then the State Government would not disburse the grant to the Respondent- Management in respect of the Petitioners' appointment. The consequence would be that the Respondent-Management will have to pay the Petitioners' salary as per the governing rules from their own funds. It is also a settled position of law that merely on the ground the approval is not granted/rejected, the Management cannot terminate the services of its employee.

4. Since the Respondent- Management has not challenged the order, we direct the Respondent- Management in the meanwhile to keep paying the Petitioners' salary due to the Petitioners as per Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and the Petitioners' services shall not be terminated only on the ground that the approvals are not granted. It is open to the Respondent No. 3 to transpose itself as Petitioner and leave for that purpose is granted.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)