

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7194 OF 2024

Rovina Anthony Pinto

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Surendra Kumar Choudhari for the Petitioner.

Mr. B. V. Samant, Addl. G.P. a/w Mr. V.G.Badgujar, AGP for the Respondent/State.

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

DATE : 9 JULY 2024

P.C.:

1. Heard the learned counsel for the parties.
2. The Deputy Director of Education, Kolhapur Division, Kolhapur passed order dated 5 January 2021 on the ground that the Petitioner did not pass TET examination before the stipulated date and directed that services of the Petitioner be cancelled and if he is continued, the responsibility of the salary will be on the Management. Thereafter, the Management terminated the services on 13 February 2021.
3. Against this order, the Petitioner filed a writ petition which the Petitioner withdrew with liberty to adopt appropriate proceedings and thereafter, made a representation which is decided by communication/order dated 25 October 2023 which is handed over

in the Court by the learned AGP. The communication states that the Petitioner has to approach the School Tribunal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and rules thereunder. Since the management has terminated the Petitioner's services, the Deputy Director of Education has stated that the Petitioner will have to approach the School Tribunal.

4. The learned counsel for the Petitioner sought to contend that other similarly situated teachers are continued in service and they have been paid salary. There could be cases where they are either protected by order of this Court or they are in fact in service. Since the order dated 25 October 2023 is tendered in the Court today by the learned AGP, we grant time to the learned counsel for the Petitioner to examine the same. It is open to the Petitioner to take necessary steps to approach the School Tribunal to save limitation/delay.

5. Stand over to **8 August 2024**.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)