



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14520 OF 2024

Vilas Baburao Sutar

...Petitioner

Versus

Kai Venkayya Kusayya Guttedar

Shikshan And Krida Prasarak

Mandal Throu. Secretary And Anr.

...Respondents

Adv. Ashutosh M. Kulkarni a/w Akshay Kulkarni for the Petitioner.

Adv. Y. D. Patil AGP for the State.

Coram : Sharmila U. Deshmukh, J.

Date : October 22, 2024.

P. C. :

1. Heard.

2. By the present Petition, the challenge is to the order dated 30th September, 2024 restraining the Petitioner by an interim injunction from acting as Headmaster of the Respondent No. 1's School and drawing his salary by sending payments to Respondent No. 2 till final decision of the Appeal. The said impugned order has been passed by the presiding officer of the Tribunal in an Appeal filed under Section 9 of the The Maharashtra Employees of Private Schools (Conditions Of Service) Regulation Act, 1977 [for short "MEPS Act"] by the Petitioner challenging the termination of the services by order dated 9th June, 2022.

3. Mr. Kulkarni would submit that the said order has been held by the Education Department to be vitiated as the earlier order was

passed on 9th June, 2022 terminating the services. He would point out the page 17 of the Petition which is a communication by the Education Department stating that the Petitioner should be reinstated on the post of Headmaster. He would further submit that there is no provision under the MEPS Act and Rules under which the impugned order could have been passed.

4. Issue notice to the Respondents returnable on **3rd December, 2024**. In addition to Court notice Petitioner to serve the Respondents by private notice by all permissible modes of service and filed affidavit of service before the returnable date.

5. Till the next date, ad-interim relief in terms of prayer clause (c).

[Sharmila U. Deshmukh, J.]