



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

905 WRIT PETITION NO. 10444 OF 2024

Matoshree Sevabhavi Sanstha Wadzari Through Its President

VERSUS

1. The State Of Maharashtra Through Its Principal Secretary,
2. The Regional Deputy Commisisoner, Social Welfare, Pune,
3. The Assistant Commissioner, Social Welfare, Beed,
4. The Desk Officer, Dept of Other Backward Class Welfare,
5. Dhananjay Ramrao Sanap,
6. Sayajirao Bangar,
7. Sanjay Mahadeo Jaybhay,
8. Rekha Dnyandeo Londhe.

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Advocate for the Petitioner : Senior Counsel Mr. N. B. Khandare i/ b
Mr. M. S. Shaikh

AGP for Respondents-State: Mr. P. K. Lakhotiya

Advocate for Respondents No.5 to 8 : Ms. Pradnya Talekar i/b Talekar
And Associates

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WITH

**CIVIL APPLICATION NO. 5733 OF 2025
IN WP/10444/2024**

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**CORAM : R. G. AVACHAT &
ABASAHEB D. SHINDE, JJ.**

Dated : SEPTEMBER 18, 2025

ORAL ORDER : - (Per R. G. AVACHAT, J.)

1. Heard.

2. The petitioner is an educational institute. Respondents No. 5 to 8 were in its employment. It appears that all was not well between the management on one hand and the employees on the other. An inquiry was initiated against these respondents on account of their unauthorized absence from duty. Even a departmental inquiry was held against them and ultimately, they were terminated from service.

3. It is true that since these employees were the employees of an Ashram School, which is governed by the provisions of the Maharashtra Employees of Private Schools Act, the remedy available to them against termination would have been to approach the School Tribunal. However, it appears that these employees approached the Assistant Commissioner, Social Welfare Department. It further appears that the Desk Officer of the Social Welfare Department, State of Maharashtra, issued a letter dated 16/06/2022 directing the petitioner institute to reinstate the respondents back in service.

4. The said letter is under challenge in this writ petition. According to the learned Senior Counsel for the petitioner, the Desk Officer did not have the authority to issue such a letter. According to him, the only course available to the respondent employees was to approach the School Tribunal against the so-called illegal termination

from service. According to him, the letter impugned herein, having been issued without authority, needs to be set aside.

5. The learned Counsel for the respondents/employees brought to our notice that there was a dispute between the management on one hand and the respondents on the other. She invited our attention to the affidavit in reply filed by the State authority. We have also perused the documents on record and find that an inquiry was set up to ascertain whether these employees had in fact remained absent from duty. During the inquiry, it was revealed that they were very much on duty, but they were not allowed to sign the muster roll. Time and again, the petitioner management was asked by the State authorities to revoke the termination of these respondents and reinstate them in service. The petitioner management did not comply with the said direction on the ground that it had been issued without authority.

6. We need not go into the factual matrix in detail since the affidavit in reply filed by the State Government indicates that the respondents have now been accommodated in some other grant-in-aid school, as stated in paragraph 10 of the affidavit in reply.

7. It appears that this is nothing short of a futile litigation. We fail to understand as to why the petitioner is still pursuing the matter, more so when the respondent-State has come with an affidavit stating that the respondent employees have now been

accommodated in another grant-in-aid school. The fact remains that the only remedy available to the respondents against their termination was to approach the School Tribunal. In terms of Rule 33 of the M.E.P.S. Rules, 1981, if any action is proposed against these employees, then the school management is required to have prior permission from the Education Officer, which has not been done in this case. Be that as it may, we do not propose to enter into the said arena. Suffice it to say that since the respondent employees have now been accommodated in other school and there is no possibility of them again asking to be allowed to join back to the petitioner institute, the matter requires to be given a quietus.

8. However, before parting, we observe that the order signed by the Desk Officer appears to be unauthorized. We make it clear that the petitioner management will have to do the needful so as to ensure smooth transition of the respondent employees to the other school. The petitioner management shall do the needful, such as transfer the Shalarth ID of these employees to their present employer-school and submit necessary bills, which the management is required to submit.

9. It is made clear that the petitioner management would not be required to pay any amount towards salary or any other benefits from its own funds. Even though the petitioner management is otherwise entitled to have the relief of quashing the letter impugned

herein, in our discretionary powers we are not inclined to grant the same in the peculiar facts and circumstances of the case. More so, when respondents have no longer been in service with the petitioner.

10. In view of the above, the writ petition is disposed of. Pending Civil Application is also disposed of.

(ABASAHEB D. SHINDE, J.)

(R. G. AVACHAT, J.)

vj gawade/-.