

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

977 WRIT PETITION NO. 12349 OF 2022

SHRI SARASWATI SHIKSHAN SANSTHA PARLI VALJNATH THROUGH
ITS OFFICE BEARERS SUVARNA RAHULRAO PHULKAR AND ANR.

VERSUS

SURESH SHIVAJIRAO RODE AND OTHERS

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Advocate for the petitioners : Mr. Suryawanshi Surendra V.

AGP for Respondents/State : Mr.V.S.Badakh.

Advocate for Respondent No.1 : Mr. R.D. Khadap

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 05.12.2025

PER COURT :

1. Heard Mr. Suryawanshi, the learned Counsel for the petitioners, Mr. Badakh, learned AGP for Respondents/State and Mr. Khadap, learned Counsel for respondent No. 1.

2. The petitioners assail the order dated 26.09.2022 passed below Exh. 1 by learned Presiding Officer, School Tribunal, Aurangabad Region, Aurangabad, whereby the appeal was disposed of in pursuance to the compromise entered between employee and the President of the trust.

3. The learned Counsel for the petitioners submits that though the petitioners (Original Respondent Nos. 8 & 10) have raised an objection for the said settlement, the Respondent No. 1- Headmaster and respondent No. 2 have settled the matter behind back of the petitioners. Therefore, he submits that the School Tribunal ought not to have

permitted to record the compromise and ought not to have disposed the appeal in view of the said compromise.

4. He further submits that the name of the petitioners are on the Schedule-I of the trust and therefore, they have every right to challenge the said compromise. He further submits that the respondent No. 1/Employee and President have siphoned the amount belonging to the society and have indulged in misappropriation of the amount of the society.

5. The learned Counsel for the petitioners submits that all these facts ought to have been considered by the School Tribunal. The petitioners has conducted inquiry as per MEPS Act and the services of the employee were terminated after following due process of law as contemplated under Rules 36 and 37 of the MEPS Rules, 1981. But the President of the trust without having any authority and in absence of any resolution passed by the Society had entered the compromise. The President is not the authority to re-instate the respondent No. 1/Employee in the service.

6. Per-Contra, Mr. Khadap, learned Counsel for respondent No. 1-Employee submits that there is dispute in the Management. The petitioner No. 1 was not the President and therefore, she never participated in the inquiry. The petitioners conducted the inquiry against respondent No. 1/Employee only with a motive to harass him.

7. Whereas, the Management had arrived at a compromise with respondent No. 1/Employee and he was re-instated in the service. He

has already been superannuated and is receiving pensionary benefits. He further submits that there is dispute in the management and as the respondent No. 1/Employee supported the other group, the said inquiry was conducted against him and he was dismissed from the service. He further submits that because of the dispute in the Management, he was being harassed unnecessarily. On the basis of compromise arrived at, the appeal was rightly disposed of. Pursuant to the order passed by the School Tribunal, the respondent No. 1/Employee was re-instated in the service and now he is receiving pensionary benefits.

8. I have heard the learned Counsel for the respective parties at length.

9. Considering the submission of the learned Counsel for the petitioners, one thing is clear that there is dispute in the Management and whenever there is a dispute in the Management, it is the employee who suffers most due to rivalry between two groups. Admittedly, in this case also one group had initiated inquiry against the respondent No. 1/Employee. The petitioners had not participated in the said inquiry as it was initiated by one group.

10. The Original Appellant and Original Respondent No.1 have settled the appeal in view of the terms and conditions mentioned in the compromise deed vide Exh. 60 alongwith their supporting affidavits.

11. The present petition is filed by one group in the name of the trust contending that the President was not having authority to enter the compromise. As the dispute between the Management is subject to

jurisdiction of authority under the Maharashtra Public Trust Act, 1950, I am not inclined to entertain the present petition under Article 227 of the Constitution of India.

12. In view thereof the Writ Petition is dismissed. No order as to the costs.

(SIDDHESHWAR S. THOMBRE, J.)

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