



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

956 WRIT PETITION NO. 13763 OF 2024

TIRUPATI SHIKSHAN PRASARAK MANDAL THROUGH ITS
PRESIDENT
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

...
Advocate for the Petitioner : Mr. Jadhav N. L.
AGP for Respondent/State : Mr. V.M. Chate
Advocate for Respondent no.7 : Mr. Ajay D. Pawar

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CORAM : ROHIT W. JOSHI, J.
DATED : 18th June, 2025

PER COURT :

1. The petitioner - management terminated the services of the respondent no.7 teacher vide order dated 20th January, 2020. Against the said order of termination, the respondent – teacher preferred appeal before the Hon'ble Minister, which came to be allowed vide impugned order dated 8th October, 2024. Appeal before the Hon'ble Minister is provided in terms of Government Resolution dated 3rd October, 2017. This Court, vide judgment dated 28th March, 2025 passed in Writ Petition No.3786/2022 and other connected matters, has taken a view that judicial or quasi judicial forum cannot be created by issuing Government Resolution. In that view of the matter, both the learned advocates concede that the order passed by the Hon'ble Minister will have to be quashed. The said order is accordingly quashed.

2. Respondent no.7 – employee is at liberty to avail of alternate remedy to file appeal before the School Tribunal. The school in question is imparting elementary education to the students and as such, in terms of rule 20 of the Maharashtra Right of Children to Free and Compulsory Education Rules, 2011, the respondent – employee will have remedy of filing appeal before the learned Tribunal. The period spent in prosecuting appeal as aforesaid as also in prosecuting the present petition shall stand excluded in computing limitation.

3. The learned counsel for respondent no.7 – employee makes a statement that appeal will be filed on 30th June, 2025. The parties are directed to appear before the School Tribunal, Latur on 30th June, 2025, on which day the petitioner shall present appeal before the learned Tribunal. Fresh notice for appearance will not be issued to the respondent-management.

4. Having regard to the fact that the termination is effected in the year 2017, the learned Tribunal is requested to decide the appeal as expeditiously as possible and if possible before 31st March, 2026.

5. The petition is disposed of accordingly.

[ROHIT W. JOSHI]
JUDGE