

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5071 OF 2025

Deshbhakta Babasaheb Bapusaheb
Khanjire Shikshan Sanstha & Anr. ... Petitioners
V/s.
Shahabudding Haider Takawade & Ors. ... Respondents

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Mr. N. V. Bandiwadekar, Sr. Advocate i/b Mrs. Ashwini
Bandiwadekar for petitioners.

Ms. M. S. Srivastava, AGP for State – respondent Nos.3
and 4.

CORAM : AMIT BORKAR, J.

DATED : MAY 5, 2025

P.C.:

1. Issue notice to the respondents, returnable on 28th July 2025. The respondents shall file their reply, if any, on or before the said date.
2. At this stage, it is necessary to note that the School Tribunal has allowed the appeal filed by the teacher without examining the case on its merits. The Tribunal appears to have proceeded solely on the ground that the issuance of a show-cause notice by the management does not amount to a “statement of allegations”.
3. The Tribunal has relied upon the decision of this Court in *Rukmini Laxman Jadhav vs. Yeotmal Zilla Akhil Kunbi Samaj & Ors.*, reported in 2024 (3) Mh.L.J. 355. In that case, the Court

observed that the issuance of a show-cause notice, even if followed by placing the matter before the management and initiation of an inquiry, would not automatically be treated as a valid or lawful “statement of allegations” unless it satisfies legal requirements. The Coordinate Bench, based on the facts of that case, had concluded that an act done by the management after lapse of the prescribed time would not by itself transform a show-cause notice into a valid and effective statement of allegations under law.

4. However, it must be clarified that the said judgment cannot be treated as laying down an absolute legal principle that a show-cause notice can never be treated as a statement of allegations in any case whatsoever. Whether a particular communication or notice amounts to a valid statement of allegations must necessarily depend on the contents of the notice, the manner of its issuance, and the compliance with the procedural safeguards laid down under the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and the Rules framed thereunder.

5. The School Tribunal, in the present matter, has not undertaken this factual and legal scrutiny. It appears to have proceeded on an incorrect legal assumption that the mere label of "show-cause notice" is determinative, irrespective of its contents or context. Such an approach is prima facie legally unsustainable.

6. Further, the Tribunal has not considered the allegations raised by the management against the teacher, nor has it examined whether the inquiry proceedings, if any, were held in accordance with the prescribed rules. The Tribunal's decision thus suffers from

non-application of mind and a failure to adjudicate upon the material aspects of the dispute.

7. In view of the above discussion, and considering that the petitioner-management has made out a prima facie case, it is just and proper to protect the rights of the management during the pendency of this petition.

8. Accordingly, till the next date, there shall be ad-interim relief in terms of prayer clause (c) of the petition.

9. Ms. Shrivastava, learned AGP waives service of notice on behalf of State – respondent Nos.3 and 4.

(AMIT BORKAR, J.)