

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13128 OF 2025

Priyadarshini Vidya Mandir
Through Headmistress
Smt Pushpa Brijesh Gautam
Ambernath, Thane and Another

... Petitioners

versus

Education Officer (Primary),
Zilla Parishad, Thane and Others

... Respondents

...

Ms.Pooja G. Malik for the Petitioner.

Mr.Sarfaraj J.Shaikh i/b. Mr.Shrishail Sakhare for Respondent No.1- Zilla Parishad, Thane.

Mr.P.P.Kakade, Addl.GP with Mr.V.G.Badgujar, AGP for the Respondent - State.

Ms.Aparna Devkar for Respondent No.2.

...

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : NOVEMBER 13, 2025

P.C:

1. The Petitioner is aggrieved by the order dated 12th September 2025 issued by Mr. Balasaheb Rakshe, Education Officer (Primary), Zilla Parishad, Thane, directing the Chairman/Secretary and the Headmaster of Petitioner No.1's institution, to reinstate Respondent No.2 in service, immediately.

2. Respondent No.2 was issued a show-cause notice on 20th December 2024, and a departmental enquiry was initiated against her. The enquiry report dated 14th August, 2025 was received by the management, and Respondent No.2 was terminated on 18th August, 2025. The record does not reveal that the law laid down by the Hon'ble Supreme Court in *Managing Director, ECIL vs. B.Karunakar*, 1993 (4) SCC 727, was followed by issuing a second show-cause notice along with a copy of the Enquiry Officer's report proposing the punishment upon Respondent No.2.

3. We are informed that the Education Officer has noticed that the internal squabbles between two factions of the trustees have reached such proportions, that the groups have been lodging FIRs against each other, while one group has been busy in terminating employees of the institution. Hence, he recommended to Respondent No.3 vide his communication dated 25th July, 2025 that an Administrator be appointed upon the management. Respondent No.2 was thereafter terminated on 18th August, 2025.

4. It is undisputed that the provisions of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (MEPS Act, 1977) are applicable to the case of Respondent No.2. Section 9(b) of the MEPS Act, 1977 grants a period of 90 days to

Respondent No.2 to challenge her termination.

5. Considering the above, we find that the Education Officer could not have ventured into passing an order directing reinstatement of Respondent No.2. Whether the termination order is legal or sustainable, is a matter to be decided by the School Tribunal, if Respondent No.2 approaches it by filing an appeal under Section 9 of the MEPS Act, 1977. If such an appeal is filed, the Tribunal has the power to consider her grievances and even to pass appropriate interim orders.

6. In view of the above, the **Writ Petition is partly allowed**. The direction issued by the Education Officer (Primary), Zilla Parishad, Thane, in his order dated 12th September 2025, to the extent of directing the management to reinstate Respondent No.2 in service, is set aside.

7. Needless to state, Respondent No.2 is at liberty to avail of a remedy available under Section 9 of the MEPS Act, 1977, and all contentions are kept open to be considered on their own merits by the School Tribunal.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)