



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.5944 OF 2024

(The Head Master Late Sangdaji Naik, V.J.N.T. Primary Aashram School, Shivpuri,
namely Shri Sunil Vasantrya Bhendare Vs. Vishwas Digambarrao Jiddewar)

WRIT PETITION NO.6698 OF 2024

(The Head Master Late Sangdaji Naik, V.J.N.T. Primary Aashram School, Shivpuri,
namely Shri Sunil Vasantrya Bhendare Vs. Laxman Dashrath Kaypelliwar)

WRIT PETITION NO.7074 OF 2024

(The Head Master Late Sangdaji Naik, V.J.N.T. Primary Aashram School, Shivpuri,
namely Shri Sunil Vasantrya Bhendare Vs. Shailendra Mallikarjun Dabbawar)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Y. P. Kaslikar, Advocate for Petitioner.
Mr. V. N. Patre, Advocate for Respondent.

CORAM: R. M. JOSHI, J.

DATE: 30th JUNE, 2025.

1. These petitions take exception to the order below
Exh.22 in Appeal No.09/2023, Exh.22 in Appeal
No.26/2022, Exh.25 in Appeal No.27/2022.

2. These applications are filed by the petitioner-
management before the School Tribunal for joining the
persons as party respondent who have been appointed
pursuant to the termination of services of the appellant in
the respective appeals. These applications came to be
rejected by the Tribunal. Hence, these petitions.

3. Learned Counsel for the petitioner-Management
submits that in all these petitions, the appeals are filed

before the School Tribunal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short, MEPS Act) after 13 years of the cause of action i.e the termination of services of the appellants therein. It is his submission that in their places new employees are appointed by the management and approval also has been granted subject to the outcome of the appeals which were then pending before the Divisional Social Welfare Officer.

4. It is further contention that the said appeal filed before the said authority came to be dismissed. These orders were challenge by the employees before this Court. This Court set aside these orders passed by the authority and permitted the employees to file appeal under Section 9 of the MEPS Act. Pursuant to leave granted by this Court, the appeals came to be filed. It is his further submission that since the proceedings are filed after 13 years, the question will arise as to the consequence/effect on newly recruited persons if the appeals are allowed. To support his submission the reliance of the judgment of Coordinate Bench of this case in case of ***Shubham Bahuuddeshiya Shikshan v. Presiding Officer, School Tribunal and 2006(44) MhLJ 148.***

5. Learned counsel for the respondents supported the impugned order.

6. In order to join any person as party to the

proceedings, he must be necessary or proper party to the proceedings. In so far as the decision on issue of termination of respondents / original appellants, the presence of the persons subsequently employed in the appeal would not be of any assistance to decide the same and it cannot be said that either necessary or proper party. Their presence would not make any difference on the outcome of the appeal as the burden would be on appellant to substantiate his case and onus thereafter would be on management to prove otherwise.

7. In so far as the judgment sought in case of *Shubham Bahuuddeshiya Shikshan v. Presiding Officer, School Tribunal (supra)*, facts of the said indicates that there was termination of services on account of allowing the appeal of one of the employees and having regard to the peculiarity of facts, it was found necessary to direct joining of such person as party. There is no ratio laid down that the employee subsequently appointed, would be proper or necessary party to the appeal filed under Section 9 of the MEPS Act, before School Tribunal. As far as present case is concerned, for want of similarity of the facts and also for the reason that the said persons sought to be added are not necessary or proper party, there is no reason for interference in impugned order.

8. The petition therefore, stands dismissed.