



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO.6372 OF 2025**

Ranjit s/o Basuraj Shamkuwar **Vs.** Deputy Director of Education, Nagpur  
Division and ors.

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*Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order*

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*Court's or Judge's Order*

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Mr. C. B. Dharmadhikari, Advocate for petitioner.  
Mr. Harshal Dubey, AGP for respondent/State

**CORAM : ROHIT W. JOSHI, J.**

**DATE : 21.11.2025.**

. The present petition is filed by the appellant in Appeal St. No.5 of 2020 before the in School Tribunal, Nagpur, which is dismissed by the learned Presiding Officer School Tribunal, Nagpur vide judgment and order dated 27.03.2025. The petitioner-employee claims that he was appointed on the post of Junior Clerk in respondent no.3-College vide appointment order dated 17.06.2010. It is claimed that the appointment was made after following the prescribed procedure. Reliance is placed on the advertisement dated 06.06.2010 and resolution by the management dated 26.06.2010 to contend that the appointment was made in accordance with law.

2. It is the case of the petitioner that his services were terminated orally on 21.09.2012 by not allowing him to resume his work and also restraining him from signing the muster roll. It is in this backdrop, that the petitioner filed appeal No.5 of 2020 before the learned

School Tribunal on 12.02.2020 alongwith an application for condonation of delay. Application for condonation of delay was allowed and thereafter the appeal was taken up for hearing.

3. The learned Tribunal had initially allowed the appeal vide judgment and order dated 15.02.2022. The respondent-management assailed the judgment and order dated 15.02.2022 before this Court vide Writ Petition No.204 of 2023. The writ petition was partly allowed vide judgment and order dated 16.10.2023. The judgment and order passed by the learned School Tribunal was quashed and set aside and the matter was remanded to the learned School Tribunal for deciding the appeal afresh. It will be pertinent to state that the judgment dated 15.02.2022 was an ex-parte decision. This Court had also allowed the management to file written statement/submissions before the learned Tribunal in order to contest the appeal.

4. After remand, the appeal was taken up for hearing afresh and was decided vide judgment and order dated 27.03.2025. The learned Tribunal has dismissed the appeal, holding that the appointment of the petitioner was made after issuance of Government Resolutions dated 05.06.2010 and 16.07.2011, imposing complete ban on appointments to be made in private schools against posts falling under Group-C and Group-D.

5. The learned Tribunal has also found that the management was seriously disputing the appointment order itself and the resolution on the basis of which the appointment order was issued. Appreciating the material on record, the learned Tribunal has observed that the attendance registers produced by the management did not indicate that the petitioner had signed the same on any date when he was purportedly working with respondent No.3. The learned Tribunal has also found that against the same post two other employees were appointed by the management. It is found that the petitioner is nephew of the President of the management. In view of the aforesaid, the learned Tribunal held that the appointment was not proved and dismissed the appeal.

6. Mr. C. B. Dharmadhikari, learned Advocate for the petitioner, contends that the advertisement in question was issued prior to the Government Resolutions imposing ban on the recruitment. He therefore, contends that the said Government Resolutions will not be applicable to the appointment of the petitioner. He has placed reliance on the judgment of this Court in the matter of the *Shailesh Deepak Ambare and anr. Vs. State of Maharashtra and anr*, reported in *2022 (1) AIR, Bom R 184*, in support of his contention.

7. As regards the findings with respect to the muster roll, the learned Advocate contends it is all throughout

the case of the petitioner that he was not allowed to sign the muster roll. He further contends that the findings with respect to illegal appointment also, are not in accordance with law and warrant interference at the hands of this Court.

8. Having perused the record and the findings recorded by the learned Tribunal, this Court is of the opinion that there is no explanation from the side of the petitioner for absence of his signatures in the muster roll at the relevant time. It will be pertinent to state that the case of otherwise termination setup by the petitioner is that, on 21.09.2012, he was restrained from discharging his duties and was also prevented from signing the muster roll. The said contention itself would suggest that according to the petitioner he was in fact signing the muster roll prior to the said date. The contention that the petitioner was never allowed to sign must roll, therefore appears to be contrary to record.

9. The management has come up with a stand that the appointment order as also the resolution on the basis of which the said appointment order is stated to be issued are fabricated documents. The petitioner is nephew of the then President of the management. It appears that more than one appointment orders are issued against same post on which the petitioner was shown to be working. It also needs to be stated that appointment order of the petitioner is dated 17.06.2010,

whereas the purported resolution on the basis of which the said order is stated to be issued is dated 26.06.2010. It is inconceivable that appointment order would be issued on a date prior to the date on which the resolution is purportedly passed. Likewise, there is no plausible explanation for no signatures in the muster roll for a period of over two years and three months from the date of purported appointment.

10. In view of the above, this Court, finds no reason to interfere with the well reasoned judgment delivered by the learned School Tribunal. Writ Petition is, therefore, dismissed, with no order as to costs.

(ROHIT W. JOSHI, J.)

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