

MISC. CIVIL APPLICATION NO. 299/2024
IN
WRIT PETITION NO. 6092/2014

...VERSUS...

[illegible]

Court's or Judge's orders

[illegible]

CORAM:- M.S. JAWALKAR, J.
MAY 06, 2025

. Heard learned Counsel for the respective parties.

(2) In fact, I have already heard the Applicant on the earlier occasion as he has made a statement that he has filed the Representation and direction may be issued to the Management to decide the same. Accordingly, on 11/02/2025, the directions were issued to the Management to decide the said Representation. Accordingly, the decision was taken by the Management and his Representation for grant of pensionary benefits came to be refused.

(3) Learned Counsel for the Applicant submitted that though this Court has observed that there is no reason to interfere in the order passed by this Court on 29/11/2016, still he has not argued his Application fully. As such, again opportunity was granted to the Applicant to argue the matter in the Review Application. It is his contention that in the earlier round of litigation, the learned School Tribunal directed the Respondent – Management to conduct fresh enquiry from the stage of issuance of statement of allegations. Thereafter, after conducting the enquiry, the Management terminated the services of the Petitioner.

(4) It appears from the judgment of the School Tribunal in the second round of litigation that the Petitioner has admitted that he has received the statement of allegations, charge-sheet, list of witnesses and the list of the documents issued to him. After due consideration of the same, the learned School Tribunal dismissed the Appeal. The same was challenged before this Court in Writ Petition No. 6092/2014. In the said Petition also, the Petitioner raised a ground that the procedure prescribed in Rules 36 and 37 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 was not followed and the enquiry was vitiated. This Court, vide order dated 29/11/2016, specifically observed

that every non-compliance of the Rules does not necessarily result in vitiating the entire enquiry. The violation of the procedure pointed out by the learned Counsel for the Petitioner – Employee does not go to the root of the matter. The substantial compliance of the Rules is found to have been made. On this ground, the Writ Petition came to be dismissed. Even the Appeal preferred before the Hon'ble Apex Court is dismissed.

(5) Learned Counsel for the Petitioner, in support of his contentions, relied on the following citations:-

(a) **Sandeep Ram Meghe vs. Shri Pundlikrao Balaji Gohad in Second Appeal No. 408/2012;**

(b) **National Integration and Education Welfare Society, Akola vs. Presiding Officer, School Tribunal, Amravati & others, 2022(3) Mh.L.J. 140.**

(c) **Anant R. Kulkarni vs. Y.P. Education Society & others, (2013) 6 SCC 515.**

(6) The facts involved in the above referred judgments are not at all similar to the facts involved in the present matter and the same are not applicable in the present set of facts. Now, he is challenging that body of

Management was not having authority to conduct such departmental enquiry. He has never raised this ground before the Enquiry Committee. Just because change request of existing Management is refused, it cannot be the ground to raise such objection as there are remedies to challenge the said order in the Maharashtra Public Trusts Act, 1950. True it is that if the Appeal before the Hon'ble Apex Court is dismissed in *limine*, the Petitioner has a right to move the Application for review, however, there is no apparent error on the face of record in the order passed by this Court dated 29/11/2016.

(7) As such, the MCA stands **dismissed**. Pending Application(s), if any, stand(s) **disposed of**.

(M.S. JAWALKAR, J.)