



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7071 OF 2024

Amruta Arvind Pathak

VERSUS

The President Dhule Education Society And Others

...

Mr. V. S. Panpatte, Advocate for the Petitioner

Mr. S. D. Ghayal, AGP for Respondent-State

Mr. P. V. Mandlik h/f Mr. M. S. Shah, Advocate for
Respondent nos.1 and 2

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CORAM : AJIT B. KADETHANKAR, J.

DATED : 09TH MARCH, 2026

ORDER :-

. A post of 'Assistant Teacher' in the respondent no.2/School, controlled and administered by the respondent no.1/Management fell vacant on account of superannuation of one Mrs. Vijaya Rajput on 31.05.2012.

2. Mr. V. S. Panpatte, learned Counsel for the petitioner would submit that in order to fill the vacant post, the respondent no.1/Management published an advertisement in the Daily Newspaper namely, "Apla Maharashtra" and invited applications from the deserving candidates. After due selection procedure, the petitioner came to be appointed on the post of "Shikshan Sevak", which has fallen vacant on

account of superannuation of Mrs. Rajput. The petitioner held qualifications in M.A.-M.Ed and was fit to be appointed on the subject matter-post. The petitioner was appointed as Shikshan Sevak for a period between 21.06.2012 and 20.06.2015 on an honorarium of Rs.8,000/- per month.

3. Subsequent to the appointment, the headmaster of respondent no.2/School submitted a proposal to the Education Officer (Secondary), Zilla Parishad, Dhule for seeking approval to petitioner's appointment. It is submitted that till today, the Education Officer has neither decided that proposal nor has responded to the school management or Headmaster or the petitioner about any deficiency or any query in the proposal.

4. As per the arguments of Mr. V. S. Panpatte, learned Counsel for the petitioner, since the Education Officer did not grant approval to the petitioner's appointment, the School Headmaster did not allow her to sign the muster. As such, terming it to be an otherwise termination, the petitioner had rushed under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (in short "the M.E.P.S. Act") to the learned School Tribunal.

5. After hearing the parties, the learned School Tribunal opined that the appointment itself was taking exception to Section 5(1) of the M.E.P.S. Act, and hence appeal came to be rejected. As against the said order, the petitioner is before this Court.

6. Notices were issued to the respondents. Mr. P. B. Mandlik i/b Mr. M. S. Shah, learned Counsel caused his appearance on behalf of respondent nos.1 and 2 pursuant to the notice and submitted that the reply is already filed. He sought time on behalf of the respondent/Management.

7. The Education Officer to file affidavit within two weeks from today mentioning the names of the, Officers who have held the post of Education Officer (Secondary) in Zilla Parishad, Dhule since the date of filing of the proposal for petitioner's approval.

8. Post the matter for further consideration on 23.03.2026. Mr. S. D. Ghayal, learned AGP to take instructions from the Education Officer also as regards to the status of the proposal referred (supra) in details.

9. Mr. V. S. Panpatte, learned Counsel for the petitioner would submit that the petitioner has good case on merits and

that there are some posts vacant in the school, controlled and administered by respondent no.1, wherein the petitioner could be accommodated. He submits that in the meantime, if the posts are filled in, and if the Writ Petition stands allowed, the petitioner shall be deprived of the fruits of his litigation and shall suffer irreparable loss.

10. In view of above submissions, any appointment made on the basis of Assistant Teacher in the schools run by respondent no.1/Management shall be subject to the final outcome of the present petition.

(AJIT B. KADETHANKAR, J.)