



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

WRIT PETITION NO. 11501 OF 2025

1) Adivasi Unnati Seva Mandal,
Rajur, Tq. Akole, District Ahmednagar,
Through its : Chairman,
Shri Bharat s/o Namdeo Ghane,
Age 60 years, Occu. Chairman,
R/o. Rajur, Tq. Akole,
District Ahmednagar

2) The Aided Primary Ashram School,
Khadki (Rajur), Tq. Akole,
District Ahmednagar,
Through its: Head – Mistress,
Smt. Minakshi w/o Trimbak Patil,
Age 53 years, Occu. Service,
R/o. Khadki (Rajur), Tq. Akole,
District Ahmednagar.

... Petitioners
(Orig. Resp. Management)

VERSUS

1) Rajesh s/o Dagdu Dube,
Age 49 years, Occu. Service,
R/o. In front of 'Rajyog Hotel',
Pathik, K. G. Road, Akole,
Tq. Akole, District Ahmednagar ...

(Orig. Appellant)

2) The Project Officer,
Integrated Tribal Development Project,
Rajur, Tq. Akole, District Ahmednagar.

3) The Additional Commissioner,
Tribal Development Department,
Gadkari Chowk, Ground Floor,
Adivasi Vikas Bhavan,
Old Mumbai – Agra Road, Nashik,
Tq. & District Nashik.

... Respondents
(Orig. Resp. Nos.3 & 4)

Mr. Vivek Dhage holding for Mr. R. D. Bhalerao, Advocate for the Petitioners

Mr. R. D. Khadap, Advocate for Respondent No.1

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 12.06.2026

FINAL ORDER :

1. The Petitioners impugn the order dated 25.07.2025, passed by the learned Presiding Officer, School Tribunal, Aurangabad (hereinafter referred to as 'the Tribunal') below Exhibit-13 in Appeal No. 09/2024, whereby the Petitioners' objection to the jurisdiction of the School Tribunal to entertain the Appeal filed by Respondent No.1 / employee of the Ashram School came to be rejected.
2. The Respondent No.1 filed Appeal No.09/2024 before the Tribunal, thereby challenging the legality, validity and propriety of the termination order dated 01.04.2024 passed by the Petitioners. The Petitioners filed an Application / Objection below Exhibit – 13 stating that the Respondent had an alternate remedy of approaching the Commissioner, Tribal Development Department, in view of the provisions of the "Ashram Schools Code", being an employee of a Primary

Ashram School. It was contention of the Petitioners that the remedy under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (hereinafter referred to as “the MEPS Act”) would not be available to the Respondent, particularly when the jurisdiction of the Tribunal under Section 9 of the MEPS Act is available to the employees of “Private School” within the meaning of Section 2(20) of the MEPS Act.

3. The Tribunal rejected the Petitioners’ objection vide impugned order dated 25.07.2025, relying upon Rule 20 of the the Right of Children to Free and Compulsory Education (RTE) Rules, 2011 (hereinafter referred to as ‘the Rules of 2011’) framed under the Right of Children to Free and Compulsory Education (RTE) Act, 2009 (hereinafter referred to as ‘the Act of 2009’) and holding that in view of Rule 20 of the Rules of 2011, even teachers of Ashram Schools are covered within the jurisdiction of the School Tribunal.
4. Mr. Vivek Dhage, learned Advocate appearing for the Petitioners, submits that the issue arises for consideration in the present petition is whether the employees of a Primary Ashram School can file an Appeal before the Tribunal under

Section 9 of the MEPS Act, particularly in the absence of any amendment to the MEPS Act to include Primary Ashram Schools within the ambit of the term “Private School”. He would submit that the Rules of 2011, framed under sub-sections (1) and (2) of Section 38 of the Act of 2009, could not automatically amend the MEPS Act. The State Government has, therefore, provided a remedy to the employees of Private Ashram Schools to file proceedings against termination before the Divisional Social Welfare Officer. In the absence of any amendment to the MEPS Act, employees working in Primary Ashram Schools or in any other schools which do not fall within the ambit of the term “Private School” cannot approach the Tribunal under Section 9 of the MEPS Act. Mr. Dhage would further submit that the Full Bench Judgment of this Court in the case of **Suryakant Sheshrao Panchal Vs. Vasantrao Naik Vimukta Jati, Bhatakya Jati Aadarsh Prasarak Mandal and Others**, reported in **2002 (3) Mh.L.J. 659**, ruled out that *“When it comes to an Ashram school which is only a primary school, it does not satisfy the definition of “private school” within the meaning of Section 2(20) of the MEPS Act, as such schools would not require recognition from any of the authorities as specified in Section*

*2(21) of the MEPS Act. Hence, it would not be a “private school” within the meaning of the MEPS Act”. Relying upon the observations of the Full Bench decision in **Hashmiya Bahrul Faiz Social Welfare Association Vs. Abdullah M. Shukur Qureshi and Others**, reported in **2023 (2) Mh.L.J. 763**, Mr. Dhage submits that while dealing with the issue of employees from D.Ed and B.Ed colleges, the Full Bench observed that a legislative amendment is necessary to address the issue and to create additional categories of the teachers who would become eligible to file Appeals before the Tribunal.*

5. According to Mr. Dhage, to settle the issue once and for all, it is to be considered whether the Judgment of the Hon’ble Supreme Court in **Dagdu Vs. President, Anandrao Naik Shikshan Prasarak Mandal and Others**, reported in **2006 (9) SCC 782**, the Full Bench decision of this Court in **Hashmiya Bahrul Faiz Social Welfare Association Vs. Abdullah M. Shukur Qureshi and Others**, reported in **2023 (2) Mh.L.J. 763**, and the Special Bench Judgment in the case of **Shobha w/o Kailash Bonekar Vs. Cantonment Executive Officer, Cantonment Board, Ahmednagar and Others**, reported in **2007 (2) Mh.L.J. 889**, will prevail

over the Division Bench decision in **Latika Rajaram Mane Vs. State of Maharashtra and Ors.** reported in **2014 (3) Bom. C. R. 439** along with Single Judge decisions of this Court in **Hansh Shikshan Krida and Vayam Prasarak Mandal, Pimpalkhuta and Another Vs. Laxman Maroti Raut and Another**, reported in **2020 DGLS (Bom.) 1444**; **Parwa Education Society Vs. Suresh s/o Govindrao Bhure**, reported in **2022 DGLS (Bom.) 523**; and **Bhaskar Sonerao Deshmukh Vs. Ahilyabai Holkar Shikshan Prasarak Mandal, Karepur and Another**, reported in **(2023) 6 Mh.LJ 727**.

6. Per contra, Mr. R. D. Khadap, the learned Advocate appearing for Respondent No.1 would submit that the Division Bench of this Court, in the case of Latika Rajaram Mane (*Supra*) has already settled that after coming into effect the Rules of 2011, a right of Appeal is provided to teachers of Primary Schools in respect of decisions falling within the purview of Rule 20 of the Rules of 2011 framed under the Act of 2009. The enactment of the Act of 2009 and the Rules of 2011 framed thereunder had materially altered the position of law as laid down in the case of Suryakant Sheshrao Panchal (*Supra*).

The expression “Private School” is defined in Section 2(20) of the MEPS Act. By framing of the Rules under the Right to Education Act by the State Government has fundamentally altered the situation. The forum of the School Tribunals is now provided to employees of Primary Schools in the State of Maharashtra who are aggrieved by any of the decision of the Management. Mr. Khadap would submit that the Single Judge of this Court, in the case of Hansh Shikshan Krida and Vayam Prasarak Mandal, Pimpalkhuta (*Supra*), has specifically held in the context of primary Ashram Schools that the employees are entitled to file Appeals before the School Tribunal under Section 9 of the MEPS Act and Rules. Mr. Khadap, heavily relied upon the observations of Single Judge of this Court in the case of Parwa Education Society (*Supra*) to contend that in view of the change in law pursuant to the enactment of the Right to Education Act and the Rules of 2011, as interpreted in Latika Rajaram Mane (*Supra*), there is no room to contend that Ashram Schools pertaining to the primary level are excluded from the jurisdiction of the Tribunal constituted under the MEPS Act and Rules. Mr. Khadap would further invite the attention of this Court to the another decision of the Single Judge of this Court in the case

of Bhaskar Sonerao Deshmukh (*Supra*), wherein, a similar issue has been considered and dealt with holding that in view of Rule 20 of the Rules of 2011, the proper forum for terminated employees of Primary Ashram School is the School Tribunal established under the MEPS Act.

7. Having considered the submissions advanced by the learned Advocates appearing for the respective parties, this Court finds that initially, the Full Bench of this Court in the case of Suryakant Sheshrao Panchal (*Supra*) held that the Ashram Schools at the primary level could not be covered under the provisions of the MEPS Act and the Rules, insofar as the grievance redressal mechanism for employees was concerned, and the employees were held not entitled to file an Appeal before the School Tribunal under Section 9 of the MEPS Act and Rules. The aforesaid position was affirmed by the Supreme Court in the case of Dagdu (*Supra*). Even the same position was reaffirmed in the case of **Komal Rugwani Vs. State of Maharashtra and Ors.**, reported in **2011 (4) Mh.L.J. 301**. However, after the enactment of the Right to Education Act and the framing of the Maharashtra Rules thereunder, the Division Bench of this Court in Latika

Rajaram Mane (*Supra*) held that the grievance redressal mechanism for teachers provided under Rule 20 of the Maharashtra Rules brought about a change in the legal position, thereby enabling employees of Primary Ashram Schools to invoke jurisdiction under Section 9 of the MEPS Act. The decision of the Division Bench of this Court in the case of Latika Rajaram Mane (*Supra*) is consistently followed by Single Judge Benches of this Court, particularly in case of **Hansh Shikshan Krida and Vayam Prasarak Mandal, Pimpalkhuta and Another Vs. Laxman Maroti Raut and Another** reported in **2021 (4) ALL MR 520** and **Parwa Education Society Vs. Suresh s/o Govindrao Bhure**, reported in **2022 (5) Mh. LJ 235** and several other decisions.

8. In light of the aforesaid backdrop and the exposition of law by the Division Bench and the Single Judges of this Court, there is no room to adopt a different view than as has been reiterated by this Court while following the verdict in Latika Rajaram Mane (*Supra*). Although learned Advocate Mr. Dhage insistently contends that in absence of any amendment to the definition of “Private School” in the MEPS Act, the jurisdiction cannot be conferred upon the School Tribunal to

deal with the grievances of employees from private Ashram Schools, particularly on the basis of the Act of 2009 and Rule 20 of the Rules of 2011, this Court do not find any substance in his contentions. No challenge has been raised to the grievance redressal mechanism provided under Rule 20 of the Rules of 2011, which came into force with effect from 11.10.2011.

9. Undisputedly, Rule 20 prescribes the forum to a teacher or employee of a School, other than a School run by the Government or a Local Authority, against the decisions of the Management regarding his or her service conditions, particularly where such employee has been dismissed, removed or otherwise terminated from the service. Sub-rule 2 of Rule 20 further provides that an appeal if preferred shall be governed by the provisions of Sections 8, 9, 10, 11, 12, 13 and 14 of the MEPS Act and Rules 39 and 43 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.
10. In light of the aforesaid factual and legal backdrop and particularly in the absence of any challenge to validity of Rule 20 of the Rules of 2011 framed under the Act of 2009, this

Court do not find any reason to accede to the submissions advanced by the learned Advocate Mr. Dhage for referring the proposed issue to a Larger Bench. This Court also do not find any merit in the challenge raised to the impugned order passed by School Tribunal. Hence, the Writ Petition stands dismissed.

[S. G. CHAPALGAONKAR, J.]

Sameer