



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

REVIEW APPLICATION NO.203 OF 2025
IN
WRIT PETITION NO.10245 OF 2024 (D)

PETITIONER
(Original Petitioner)

:- The President
Samajseva Shikshan Sanstha, Nai Chakur,
Tq. Omerga, Dist. Dharashiv.

..VERSUS..

RESPONDENTS
(Ori. Respondents)

- :-** 1) Satyapramod Govindrao Kulkarni,
Age: 46 years, Occu.: Service,
R/o Kasgi, Tq. Omerga, Dist. Dharashiv.
2) The Education Officer (Primary)
Zilla Parishad, Dharashiv.
3) The Headmaster,
Shri Sharadchandraji Pawar Prathmik
Vidyalaya, Nai Chakur, Tq. Omerga, Dist.
Dharashiv.

Mr. V.D. Salunke, Advocate for Petitioner.
Mr. A.I. Patil, Advocate for Respondent No.1.

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

DATE : **30/04/2026**

JUDGMENT :

1. The present application is filed seeking review of judgment dated 28.07.2025 passed by this Court in Writ Petition No.10245 of 2024. The said petition was filed by the petitioner-

Management in order to challenge the judgment and order dated 12.08.2024 passed by the learned School Tribunal in Appeal No.43 of 2022. By the said judgment and order, the learned Tribunal has quashed and set aside termination order dated 20.08.2022, whereby services of respondent No.1/employee came to be terminated by the petitioner/Management. Perusal of the judgment under review will indicate that this Court has upheld the judgment passed by the learned Tribunal to the extent that it has quashed and set aside the order of termination and granted relief of reinstatement, after arriving at conclusion that decision to initiate inquiry was taken without considering the reply furnished by the respondent to the statement of allegations and further on the ground that the chargesheet is not prepared by the Management but by its President. This Court has reversed the judgment passed by the learned Tribunal granting backwages, in view of the fact that statement or affidavit of non-gainful employment was not filed by the respondent/employee.

2. It is apparent from the reading of the written statement filed by the Management that the chargesheet was prepared by the President and not by the Management. Rule 37(1) of the Maharashtra Employees of Private Schools (Conditions of Service)

Rules, 1981 (hereinafter referred to as “MEPS Rules”), provides that chargesheet against delinquent employee must be prepared by the Management. There is a clear violation of the said statutory provision in the case at hand.

3. Apart from this, the record also indicates that statement of allegations was issued on 24.03.2022 and that the petitioner/Management had passed resolution to initiate inquiry against the respondent/employee on 27.03.2022. The respondent/employee had submitted reply to the statement of allegations on 02.04.2022. Rule 36(1) of the MEPS Rules provides that in case where enquiry is to be conducted against an employee, the President or Chief Executive Officer of the management must issue a statement of allegations to the employee calling his explanation within seven days. Perusal of Rule 36(2) of the MEPS Rules will indicate that if the President or Chief Executive Officer is not satisfied with reply he shall place the same before the Management and decision to hold inquiry against an employee can be taken by the Management only upon considering reply of the employee to the statement of allegations. The said statutory provision is also observed in breach. The inquiry is clearly without following mandate of Rules 36(1) and 36(2) of the MEPS Rules.

4. In view of the aforesaid, no case is made out for review of the judgment dated 28.07.2025 passed in Writ Petition No.10245 of 2024. Application for review is therefore **rejected**. Parties to bear their own costs.

(ROHIT W. JOSHI, J.)

C.L. Dhakate