IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5902 OF 2026

UDAY SHIVAJI JAGTAP
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Date: 2026.11.05 10:18:16 +0530

The Headmaster, Shrimati Saraswati Timappa Marathi Primary School, Vijakumar B. Baddure … Petitioner

Vs.

Shantabai Timappa Mitta and Ors. … Respondents

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Mr. Amol Amarnath Kanaki a/w Sanket S. Rajmane for the Petitioner
Mr. Chaitanya Khade for Respondent No.1.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 4th NOVEMBER, 2026.

P. C. :

. Heard both sides.

2. The petition is directed against the order dated 26.10.2026 passed below Exh.54 in Appeal No. 16 of 2025 directing the respondent no.1 to sign the regular attendance register maintained by the school and producing its verified copies.

3. Respondent no.1 has preferred Appeal No. 16 of 2025 challenging the termination dated 16.06.2025 and for consequential directions, which is pending before the Tribunal. Along with it, application Exh.5 was preferred seeking stay to the operation and execution of the order of termination. After hearing the parties, interim application was allowed

vide order dated 16.04.2026 and the operation of the termination orders dated 16.06.2025 and 21.08.2025 is stayed. Accordingly, the petitioner – School reinstated the respondent no.1.

4. Respondent no.1 is directed to sign the muster maintained for non-permanent employees. The respondent no.1 claims that she is regularly appointed permanent employee and entitled to sign on a muster for permanent employees. The respondent no.1 is being permitted to sign on a muster for non-permanent employee. The parties have rival claim for the status of respondent no.1. The jurisdictional Tribunal will have to conduct the objective scrutiny as to whether respondent no.1 is regularly appointed employee and / or a permanent Teacher. Till the final disposal of the appeal, the respondent no.1 is required to sign on some muster.

5. The signatures in muster of permanent employee or non-permanent employee, would not be decisive factor to conclude core issues involved in the appeal. Endavour shall be made by the Management to provide muster for signing. It is made clear that the status of respondent no.1 needs to be adjudicated on various factors and the nature of muster has very little significance. Under such circumstances, if the petitioner – school wants that respondent no.1 should sign on a muster of non-permanent employees, that will not affect

the merits of the matter and would not cause any prejudice to the respondent no.1.

6. The Writ Petition is disposed of with above observations and the impugned order is modified to the extent that the petitioner – school shall permit the respondent no.1 to sign on the muster on which her signatures preceding the termination were taken and verified copy of the same shall be produced at the time of hearing of the appeal.

(SHAILESH P. BRAHME, J.)