

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8954 OF 2024

Smt. Minakshi Rajaram RanpisePetitioner

Versus

Nizampur Vibhag Shikshan Prasarak Mandal & Ors.Respondents

Mr. Pradeep M. Patil *a/w. Pravinchand B. Gole & Nimish S. Parakh, for Petitioner.*

Mr. C.G. Gavnekar *i/b. Rohit Parab, for Respondent Nos.1 & 2.*

Ms. Snehal S. Jadhav, *AGP for State.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 28, 2026

ORAL JUDGEMENT :

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.
2. This Petition impugns the Judgement and Order dated February 14, 2024 passed by the Presiding Officer, School Tribunal, Mumbai in the Appeal No. 22 of 2022 (***"Impugned Order"***) refusing to grant relief to the Petitioner, who is said to have been appointed initially as a teacher in a primary school and thereafter in the secondary school of the same management.
3. The Impugned Order records the fact that the appointment and engagement of the Petitioner is undocumented and that no appointment order is found on record.

4. Having heard the Learned Counsel for the parties, it is apparent that the entire process of engaging the Petitioner in the school had indeed taken place and the Petitioner had indeed functioned as a Teacher initially in the primary school and thereafter in the secondary school, but the parties had conducted such engagement entirely outside the statutory and regulatory framework under the Maharashtra Employees of Private Schools (Conditions of Services) Regulation Act, 1977 (*“MEPS Act”*). It is in these circumstances, that the Learned School Tribunal found that the entire process by which the Petitioner had participated in the role of a teacher with both the schools was undocumented.

5. The Impugned Order notes that the Petitioner indeed claims to have been issued an appointment letter on each occasion, and every time, it is purported to have been taken back. The Petitioner claims to have participated in an interview process each time pursuant to a public notice, but there is nothing to show such notices were issued and such interviews were conducted. The Petitioner’s maternal grandfather was at all times relevant to the proceedings the Chairman of the Management but on conflict between her parents, the School disengaged her and directed her not to attend. The Petitioner is treated as an intern, but she has been paid a salary throughout her engagement in the School.

6. Learned Counsel for the Petitioner submits that holding the Petitioner to be an intern is completely untenable inasmuch as the Petitioner has always been paid a salary in the role of a teacher and was even assigned responsibilities of a Class Teacher. The Petitioner is said to have been initially appointed as an Assistant Teacher in the primary school on June 15, 2012 and thereafter transferred to the secondary school in October 2012 purportedly to fill a vacancy arising out of an Assistant Teacher, Mr. S.S. Shaikh, having retired on superannuation.

7. Inexplicably, none of this is found in the material on record by the Learned School Tribunal. The answer perhaps lies in the fact that the Chairman of the Society running the school was the maternal grandfather of the Petitioner, but owing to marital discord among the parents of the Petitioner, the relationship between the parties soured.

8. On the issue of whether to grant relief to the Petitioner, one would need to examine whether the activity of the parties is within the framework of the MEPS Act. The Petitioner relies upon the judgment in ***Trimurti Balak Mandir Shikshan Sanstha & Ors.***¹ to indicate that an employee who was similarly placed and recruited as an employee for a period of five years was terminated orally. This judgement is sought to be differentiated on behalf of the Respondents on the premise that this was the case of an actual appointment with an appointment letter

1 Trimurti Balak Mandir Shikshan Sanstha & Ors. Vs. Vithabai Bhikan Desale & Ors. 2017 1 Mh.L.J. 19.

whereas the matter in hand did not entail any appointment process at all and the Petitioner's services regardless of her function was on an informal basis.

9. In the peculiar facts of the case, given the manner of conduct of the parties, I am not inclined to exercise the discretionary extraordinary writ jurisdiction to intervene. The parties evidently appear to be conducting the affairs of the School like their personal affairs. I am not convinced that the writ court should make an intervention in this process.

10. In these circumstances, having regard to the statutory framework and the framework in which the parties choose to function in the school, in my opinion, no case is made out for interference with the Impugned Order. The MEPS Act is a carefully framed regulatory framework, by which the interests of the teachers and the management are balanced, with specific oversight by the State through the office of the Education Officer and review processes above him, right from the stage of appointment all the way to remuneration and termination. On the face of it, it appears that owing to the relationship between the parties, the parties choose to function outside the scope of the regulatory framework. In that sense of the matter, no fault can be seen with the Impugned Order for not having interfered at the behest of the Petitioner.

11. Evidently, it appears that the appointment of the Petitioner in the School is not within the framework of MEPS Act. While this is troublesome inasmuch as an educational institution appears to have conducted itself outside the regulatory framework, it would be necessary to see if this is a one-off situation because of the relationship of the parties or whether the School had engaged multiple resources outside the regulatory system without compliance with the MEPS Act. The State is directed to examine if there have been any other such cases of oral recruitment and oral termination of teachers, file a report to this Court, and take appropriate action if other such instances are found.

12. With the aforesaid observations, the Petition is hereby ***finally disposed of*** without any interference, but with the directions as above. List for reporting compliance with the examination directed above. A report shall be filed by the State within three months of this Order. Rule is accordingly discharged.

13. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]