
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 16356 OF 2024

Shaila Rajesh Sakpal

...Petitioner

Versus

The Chairman/Secretary,
Mangaon Shikshan Prasarak Mandal,
Mangaon and Ors.

...Respondents

Mr. Lengare Y.B. a/w Mr. Sunny Sadafule, *for the Petitioner.*

Mr. Sachin Ramrao Pawar, *for the Respondent Nos. 1 & 2.*

Mr. Bapusaheb Dahiphale, AGP for the State.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 10, 2026

ORDER :

1. This Writ Petition impugns an Order dated August 30, 2024, whereby a challenge by the Petitioner under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (***“the Act”***) was dismissed by order dated August 30, 2023 (***“Impugned Order”***) passed by Learned Presiding Officer, School Tribunal, Mumbai, (***“Tribunal”***) rejecting the Petitioner’s

prayer for reinstatement to the original post of Assistant Teacher with service continuity and back wages.

2. The factual matrix falls in a rather narrow compass. The Petitioner claims to have qualification in M.Com., B.Ed., TAIT & MS-CIT related qualifications, and claims to have been working with Respondent No. 2, Ashokdada Sabale Vidhyalaya and Mangaon Junior College ("**College**") in the subject of Information Technology right since June 15, 2006. On April 11, 2017, Respondent No. 1, Mangaon Shikshan Prasarak Mandal ("**Institution**") is said to have issued an advertisement for filling the post of Assistant Teacher, to which the Petitioner was appointed on June 15, 2017.

3. It is the Petitioner's case that the Petitioner's service was terminated orally on June 15, 2023, against which an appeal was filed before the Tribunal in Appeal No. 62 of 2023 on July 8, 2023. After the Appeal was filed, it is indicated that on August 30, 2023, a proposal for approval of the Petitioner's appointment was rejected by the Respondent No. 3 on August 8, 2023, on the premise that the Petitioner does not have an M.Com. degree of at least a second class.

4. It is the Petitioner's contention that at the time of the Petitioner's appointment, the marks secured by the Petitioner in M.Com. rendered her appointment valid because under the then applicable norms, she was eligible for appointment and that a subsequent change in the standard expected could not have been made applicable to the Petitioner who had already been holding the post.

5. Be that as it may, a bare perusal of the Impugned Order would indicate that what has weighed heavily with the Tribunal is that the Petitioner has not produced **original** documentary proof of various documents, based on which her appeal had been filed. The Tribunal has extensively discussed that only photocopies of the documents had been filed and has rejected reliance upon the same, on the premise that photocopies do not constitute valid proof.

6. It is the explicit case of the Petitioner that at no point of time throughout the proceedings, was this issue raised for the Petitioner, and the Petitioner indeed has, in her possession, all the original documents which only needed to

have been sought by the Tribunal should this have been considered a necessity.

7. It is inexplicable that the Learned School Tribunal has contended that the Petitioner could have used the provisions of the Right to Information Act, 2005 and sought the original documents from the Education Department and the Respondents, even while these very Respondents were parties before the Learned School Tribunal. Should the Tribunal have found it necessary to call for the record, it could have easily issued a direction to the Respondent to summon the record in order to adjudicate the matter and render justice.

8. Therefore, the approach adopted towards rejecting the proof brought on record by the Petitioner *prima facie* appears to be perverse and does not inspire confidence.

9. Moreover, even while commenting that in the absence of the original documents, the Tribunal would not treat any documents presented by the Petitioner as legally valid evidence, the Tribunal has gone on to hold that the

original appointment itself was illegal, inasmuch as the Petitioner, according to the Tribunal, did not possess the requisite qualifications. This runs contrary to the earlier position of the Tribunal within the same order that there would be no valid evidence on the record of the Tribunal.

10. The net analysis of the foregoing is that the Impugned Order deserves to be quashed and set aside as being perverse, and the Petitioners be permitted to present such original documents for inspection as have been relied upon by the Petitioner in the proceedings.

11. The Tribunal shall explicitly consider the specific issue raised by the Petitioner being that the Petitioner was compliant with the valid possession of qualifications at the time of appointment and that a changed standard is being applied to her. Should the Tribunal feel the need for any other material from the records, the same shall be summoned from the Respondents so that justice can be rendered by examining the entire record that would be necessary for purposes of the adjudication.

12. With the aforesaid directions, the Appeal filed by the Petitioner before the Learned School Tribunal stands restored. The Tribunal shall consider the same afresh, uninfluenced by the earlier decision which has been impugned in this Petition.

13. Meanwhile, by order dated March 7, 2024 passed in Writ Petition No. 1979 of 2024, a Learned Single Judge of this Court, while issuing notice, directed that the Petitioner's post shall not be filled up by any other candidate and directed that the seat be kept vacant. That interim relief has continued till date.

14. The same relief shall continue until final hearing and disposal of the Appeal and for a further period of twelve weeks thereafter, should the outcome in the Appeal be adverse to the Petitioner.

15. With the aforesaid directions, the Impugned Order is ***quashed and set aside*** and the Petition is ***disposed of***.

16. Needless to say, nothing contained in this judgment is an expression of an opinion on the merits of the matter,

leaving all contentions open for a fresh and appropriate consideration by the Tribunal. Considering the sheer length of time for which the matter has dragged on, and the nature of the Impugned Order for which this remand is being effected, the Tribunal is requested to convene at the earliest, preferably within a week of the upload of this order, to issue directions on how to proceed further.

17. The Tribunal is requested to complete the hearing of the Appeal as expeditiously as possible, ideally within a period of three months from first convening for the Appeal.

18. 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.]