

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 5207 OF 2025

Girijashankar Jagardev Yadav
Age- 56 years, Occ- Service
Residing at B/111, Shripal Nirmal
CHS Ltd, Near Aai Mata Mandir
L.C. Marg, Chheda Nagar,
Nalasopara (W), Thane 401 309

....Petitioner

Versus

1. The State of Maharashtra,
Through the Secretary, School
Education and Sports Department,
Mantralaya, Mumbai – 400 032
 2. The Director of Education,
Maharashtra, Secondary and Higher
Secondary, Education Directorate,
University Road, Central Building
Pune – 411 001
 3. The Deputy Director of Education,
Greater Mumbai Jawaharlal Bal
Bhavan, Ground Floor, Charni Road,
Mumbai – 400 004
 4. The Education Inspector,
Greater Mumbai (West Zone),
Ismail Yusuf College Compound
Jogeshwari (E), Mumbai – 400 060
 5. The President/Secretary,
M.N. Narayan Nair Memorial
Education Trust (Regd), Ketkipada
Dahisar (E) Mumbai – 400 068
- (Respondent No.6
made formal party as
the school is
derecognised)

6. R.J.B. Amar Jyoti Hindi Medium School, Ketkipada Dahisar (E), Mumbai – 400 068, De-recognised on 31.05.2012 & made formal party (Notice on behalf of No.6 to be served on Respondent No.5 Trust)Respondents

**WITH
WRIT PETITION NO. 4807 OF 2025**

Rajeshprasad Shitala Chaturvedi
Age- 54 years, Occ- Service
Residing at Jash Apartment, 101 A
Link Basan Nagari Road,
Acholegaon, Nallasopara (E)
Thane – 401209Petitioner

Versus

1. The State of Maharashtra,
Through the Secretary, School
Education and Sports Department,
Mantralaya, Mumbai – 400 032
2. The Director of Education,
Maharashtra, Secondary and Higher
Secondary, Education Directorate,
University Road, Central Building
Pune – 411 001
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Greater Mumbai Jawaharlal Bal
Bhavan, Ground Floor, Charni Road,
Mumbai – 400 004
4. The Education Inspector,
Greater Mumbai (West Zone),
Ismail Yusuf College Compound
Jogeshwari (E), Mumbai – 400 060

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| <p>5. The President/Secretary,
M.N. Narayan Nair Memorial
Education Trust (Regd), Ketkipada
Dahisar (E) Mumbai – 400 068</p> | <p>(Respondent No.6
made formal party as
the school is
derecognised)</p> |
| <p>6. R.J.B. Amar Jyoti Hindi Medium
School, Ketkipada Dahisar (E),
Mumbai – 400 068, De-recognised on
31.05.2012 & made formal party
(Notice on behalf of No.6 to be
served on Respondent No.5 Trust)</p> | <p>....Respondents</p> |

**WITH
WRIT PETITION NO. 4949 OF 2025**

Umeshchandra Kshatrapal Yadav Age- 43 years, Occ- Service Residing at 302, Bashikali Nagar Building No.1, Navghar, Cross Road, Near Asha Hospital, Bhayander (E), Mumbai – 400 105	Petitioner
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Versus

1. The State of Maharashtra,
Through the Secretary, School
Education and Sports Department,
Mantralaya, Mumbai – 400 032
2. The Director of Education,
Maharashtra, Secondary and Higher
Secondary, Education Directorate,
University Road, Central Building
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Bhavan, Ground Floor, Charni Road,
Mumbai – 400 004

4. The Education Inspector,
Greater Mumbai (West Zone),
Ismail Yusuf College Compound
Jogeshwari (E), Mumbai – 400 060
5. The President/Secretary,
M.N. Narayan Nair Memorial
Education Trust (Regd), Ketkipada
Dahisar (E) Mumbai – 400 068 (Respondent No.6
made formal party as
the school is
derecognised)
6. R.J.B. Amar Jyoti Hindi Medium
School, Ketkipada Dahisar (E),
Mumbai – 400 068, De-recognised on
31.05.2012 & made formal party
(Notice on behalf of No.6 to be
served on Respondent No.5 Trust)Respondents

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Mr.Rakesh Kumar Saroj for the Petitioner in all Petitions.

Ms.Prachi Tatake, Addl. GP (through VC) for the Respondent -State
in WP No.5207 of 2025.

Ms.Vaishali Chaudhari, Addl. GP for the Respondent -State in WP No.
4807 of 2025.

Ms.Jaya Mala Ostwal, Addl. GP for the Respondent -State in WP No.
4949 of 2025.

Ms.Sujata Shekhawat with Ms.Rishu Mishra and Ms.Neha Pal i/b.
Panicker & Associates for Respondent No.5- Management.

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**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : JANUARY 16, 2026

ORAL JUDGMENT : (Per: Ravindra V. Ghuge, J.)

1. **Rule.** Rule made returnable forthwith and heard finally, by the consent of the parties, keeping in view the following judicial pronouncements:

(a) Order dated 07.03.2019 passed in Notice of Motion No. 548 of 2018 in Writ Petition No. 525 of 2016 (Girijashankar Jagardeo Yadav versus The Education Inspector, Greater Mumbai (West Zone) and Ors;

(b) Order dated 06.09.2022 passed in Writ Petition (L) No. 30033 of 2021 (Rajeshprasad Shitala Chaturvedi and Anr. Vs. The President/ Secretary, M.N.Narayan Nair Memorial Education Trust (Registered) & Ors.;

(c) Order dated 03.02.2025 passed in Writ Petition No. 523 of 2016 with Notice of Motion No. 232 of 2019 (Sarvajeet R.Yadav versus The Education

Inspector, Greater Mumbai (West Zone) and Others;

(d) Order dated 05.12.2022 passed in Writ Petition (L) No. 30642 of 2021 (Ramasre Ramjas Yadav Versus The Education Inspector, Greater Mumbai (West Zone) and Others; and

(e) Order dated 17.06.2022 passed in Writ Petition (L) No. 433 of 2020 (Panchram Ramnayan Yadav Versus The Education Inspector, Greater Mumbai & Ors.

2. The issue brought before this Court in these Petitions is no longer *res integra* in the light of the above orders. It has been consistently held by this Court that if a school is de-recognised for any of the acts attributed to the conduct of the management, and if the teaching or non-teaching staff is not responsible for inviting such an order of de-recognition, the employees of the management would not be held responsible. It is, thus, concluded that such employees would not be entitled to salary from the date of de-recognition of

the school till their absorption. There is no dispute that after the schools, in which these Petitioners were working, were de-recognised, these Petitioners were absorbed in other institutions.

3. For the sake of clarity, the Petitioners have tendered a ready-reference chart which is reproduced hereinbelow:

Writ Petition No. 5207 of 2025

Sr. No	Date	Chronological Dates & Events	Ex.	Pg. Nos.
1.	10.06.1998	The Petitioner was appointed as Assistant teacher in Respondent No.6 Secondary School, which was 100% aided school, against a permanent vacancy.	“A”	38
2.	12.04.2001	Approval was granted by Respondent No.4.	“B”	41
3.	31.05.2012	The Respondent No.2 de-recognized the Respondent No.6 school on account of certain deficiencies, which has been stated in the de-recognition order.	“D”	46-48
4.	21.02.2013	Writ Petition was filed by Petitioners praying for salaries for the said period and for absorption. Even though the Respondent No.6 School was de-recognized, the Respondent No.5 continued the services of all employees for a period of 18 months, without any salary, on ground that the de-recognition order is under challenge.		
5.	17.10.2013 12.11.2014	An order was passed by this Hon’ble Court directing Respondent No.5 to pay the salaries for said period within	“E” “E1”	55-59

		eight weeks and further take action in respect of retrenchment or declare the Petitioners as surplus.		
6.	18.02.2014	After the said order, a letter was sent by Respondent No.5 addressing Respondent Nos. 2 to 4, to declare the employees of Respondent No.6 school, teaching and non-teaching staff as surplus. The Respondent No.4 did not respond to the above letter and therefore Writ Petition No.525 of 2016 was filed in this Hon'ble Court and order of absorption was passed.	"F"	60-62
7.	09.02.2017	By order, the Respondent No.2 declared the Petitioner as surplus. It was also clarified in the said order that the employees of Respondent No.6 school are not responsible for de-recognition of said School.	"T"	68-69
8.	26.08.2019	An absorption order was passed by Respondent No.4 and the Petitioner is absorbed in Pimpri Chinchwad Municipal Corporation Pune (Hindi Medium) recognised School.	"L"	80
9.		The present Petition is filed seeking limited reliefs; a) As the Petitioner is not responsible for de-recognition of Respondent No.6 School, the Respondent Nos. 1 to 4 may be directed to grant continuity of service and all consequential benefits from the date of his initial appointment of Petitioner, i.e from 10.06.1998 till date, as held by this Hon'ble Court in three Petitions filed by three teachers of same School. b) To direct the Respondent No.5 to provide the original service record of Petitioner, such as	"O"	99-109

		appointment order, approval order, updated records relating to gratuity, arrears of Vth pay and VI pay commission and transfer the arrears from GPF Account No.R (76)77769 of previous school to GPF Account No.9474 of present school, with applicable rate of interest, with the Education Department or the absorbed school, from the date of his initial appointment of Petitioner.		
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Writ Petition No. 4807 of 2025

Sr. No	Date	Chronological Dates & Events	Ex.	Pg. Nos.
1.	24.06.1997	The Petitioner was appointed as Assistant teacher in Respondent No.6 Secondary School, which was 100% aided school, against a permanent vacancy.	“A”	39
2.	12.04.2001	Approval was granted by Respondent No.4.	“B”	42
3.	31.05.2012	The Respondent No.2 de-recognized the Respondent No.6 school on account of certain deficiencies, which has been stated in the de-recognition order. Even though the Respondent No.6 School was de-recognized, the Respondent No.5 continued the services of all employees for a period of 18 months, without any salary, on ground that the de-recognition order is under challenge.	“D”	47-49
4.	21.02.2013	Writ Petition was filed by Petitioners praying for salaries for the said period and for absorption.		
5.	17.10.2013 12.11.2014	An order was passed by this Hon’ble Court directing Respondent No.5 to pay the salaries for said period within	“E” “E1”	56-60

		eight weeks and further take action in respect of retrenchment or declare the Petitioners as surplus.		
6.	18.02.2014	Thereafter a letter was sent by Respondent No.5 addressing Respondent Nos. 2 to 4, to declare the employees of Respondent No.6 school, teaching and non-teaching staff as surplus. As the Respondent No.4 did not respond to the above letter and therefore Writ Petition No.531 of 2016 was filed in this Hon'ble Court and order of absorption was passed.	"F"	61-63
7.	09.02.2017	Thereafter by order, the Respondent No.2 confirmed the Petitioner and other employees of teaching and non-teaching staff of Respondent No.6 School as surplus. It was also clarified in the said order that the employees of Respondent No.6 school are not responsible for de-recognition of said School.	"T"	69-70
8.	26.08.2019	An absorption order was passed by Respondent No.4 and the Petitioner is absorbed Pimpri Chinchwad Municipal Corporation Pune (Hindi Medium) recognised School.	"L"	81
9.		The present Petition is filed seeking limited reliefs; a) As the Petitioner is not responsible for de-recognition of Respondent No.6 School, the Respondent Nos. 1 to 4 may be directed to grant continuity of service and all consequential benefits from the date of his initial appointment of Petitioner, i.e from 24.06.1997 till date, as held by this Hon'ble Court in three Petitions filed by 3 employees of	"O" "O1" "O2"	100-110

		same School. b) To direct the Respondent No.5 to provide the original service record of Petitioner, such as appointment order, approval order, updated records relating to gratuity, arrears of Vth pay and VI pay commission and have deliberately avoided to transfer the arrears from GPF Account No. R(76)77766 of previous school to GPF Account No.9475 of present school, with applicable rate of interest, with the Education Department or the absorbed school, from the date of his initial appointment of Petitioner.		
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Writ Petition No. 4949 of 2025

Sr. No	Date	Chronological Dates & Events	Ex.	Pg. Nos.
1.	01.10.2001	The Petitioner was appointed as Shikshan Sevak in Respondent No.6 Secondary School, which was 100% aided school.		
2.	23.10.2004	The Petitioner successfully completed 3 years tenure as Shikshan Sevak and was continued as Assistant teacher in Respondent No.6 School on a regular payscale.		
3.	31.08.2005	The appointment of Petitioner w.e.f 01.10.2001 to 24.10.2004 as Shikshan Sevak was approved by Respondent No.4.	"A"	40
4.	31.05.2012	The Respondent No.2 de-recognized the Respondent No.6 school on account of certain deficiencies, which has been stated in the de-recognition order. Even though the Respondent No.6 School was de-recognized,	"C"	45-47

		the Respondent No.5 continued the services of all employees for a period of 18 months, without any salary, on ground that the de-recognition order is under challenge.		
5.	21.02.2013	Writ Petition was filed by Petitioners praying for salaries for the said period and for absorption.		
6.	17.10.2013 12.11.2014	An order was passed by this Hon'ble Court directing Respondent No.5 to pay the salaries for said period within eight weeks and further take action in respect of retrenchment or declare the Petitioners as surplus.	"D"	52-56
7.	18.02.2014	Thereafter a letter was sent by Respondent No.5 addressing Respondent Nos. 2 to 4, to declare the employees of Respondent No.6 school, teaching and non-teaching staff as surplus. The Respondent No.4 did not respond to the above letter and therefore Writ Petition No.680 of 2016 was filed in this Hon'ble Court.	"E"	57-59
8.	09.02.2017	Thereafter by order, the Respondent No.4 confirmed the Petitioner and other employees of teaching and non-teaching staff of Respondent No.6 School as surplus. It was also clarified in the said order that the employees of Respondent No.6 school are not responsible for de-recognition of said School.	"H"	65-66
9.	04.01.2018	A recommendation letter was sent by Headmaster of Gyanodaya Vidyamandir High School, at Kuar Village Malad (E)	"I"	70

		Mumbai to Respondent No.4 for absorption of Petitioner. The Petitioner was absorbed and joined his duty on 25.09.2018.		
10.	01.11.2018	Approval was granted by Respondent No.4.	“J”	71
11.		The present Petition is filed seeking limited reliefs; a) As the Petitioner is not responsible for de-recognition of Respondent No.6 School, the Respondent Nos. 1 to 4 may be directed to grant continuity of service and all consequential benefits from the date of his initial appointment of Petitioner, i.e from 01.10.2001 till date, as held by this Hon’ble Court in three Petitions filed by 3 employees of same School. b) To direct the Respondent No.5 to provide to provide the original service record of Petitioner, such as appointment order, approval order, updated records relating to gratuity and have deliberately avoided to complete the process and transfer the arrears from GPF Account No. R76-(78155) of previous school to GPF Account No.P41-(78155) of present school, including all installments of VI pay Commission with applicable rate of interest, with the Education Department or the absorbed school, from the date of initial appointment of Petitioner.	“M” “M1” “M2”	81-91

4. Considering the above-reproduced charts, it is apparent that after the institutions were de-recognised, the Petitioners have been absorbed on the dates mentioned therein.

5. The Petitioners submit that they are aware of the settled position of law. They concede that they are not entitled to salary from the date of de-recognition till absorption. They are, however, claiming continuity in service, which has been granted by several Benches of this Court, as is evident from the orders referred to in paragraph 1 herein above.

6. The other grievance of the Petitioners is that the erstwhile Managements are either not sharing the records required to be tendered to the new institutions where the Petitioners have been absorbed, or they claim that they do not have the records. A spacious plea is taken by the Management that the original service books have been handed over to the Petitioners.

7. We have taken on record the affidavit in reply filed by the erstwhile Management of the institution which has suffered de-recognition. The learned Advocate for the management has strenuously canvassed the averments set out in the affidavit in reply and has prayed for the dismissal of the Petitions. It is stated in the affidavit in reply that the original service books were handed over to

the Petitioners. In response, we posed a question to the learned Advocate for the Management to show to the Court any acknowledgment receipt from the Petitioners indicating the delivery of the original service books. The Management does not have any acknowledgment to indicate that the Petitioners have received their original service books.

8. Considering the above, **these Writ Petitions are disposed off** with the following observations and directions:

(a) Since this Court has consistently held that the Petitioners would be entitled to continuity in service, after the service records are perused and verified by the competent authority, we direct the Management to ensure that the original records of the Petitioners are tendered to the Education Inspector, on or before 10.02.2026;

(b) If the Management does not produce the original records of the Petitioners before the Education Inspector, we permit the Education Inspector to initiate appropriate action against the said Management;

(c) Besides the above action, in the absence of the original documents, the Education Inspector shall carry out a verification exercise, and all the Petitioners shall cooperate by producing whatever records they have in relation to their services with the erstwhile Management, such as copies of advertisements, appointment letters, salary certificates or salary details, duplicate service books, attendance sheets, approval letters, etc. Based on such documents, the Education Inspector shall pass an appropriate order granting continuity in service to the Petitioners;

(d) If the Education Inspector is short of any documents or is unable to arrive at a conclusive impression regarding the appointments and approvals of the Petitioners in the erstwhile Management/institution, a reasoned order would be passed in each case. The aggrieved party would be at liberty to assail the said order by resorting to a remedy as is provided in law.

9. Since we find that several Petitions have been filed by erstwhile employees against this particular Management, namely, M.N.Narayan Nair Memorial Education Trust, we direct the Deputy Director of Education, Greater Mumbai, to depute a Senior Education Inspector to undertake a verification exercise in respect of teaching and non-teaching employees working with any of the institutions run by the said Management, to assess whether records are properly maintained and whether employees are being paid salaries in time and in accordance with Pay Commission recommendations. If grave irregularities are noticed, the State Government shall initiate appropriate action against the said educational institution.

10. Rule stands discharged.

(ABHAY J.MANTRI, J.)

(RAVINDRA V. GHUGE, J.)