

Date of Filing :- 05/11/2023  
Date of Registration :- 05/11/2023  
Date of Decision :- 11/03/2026  
Duration :- Y. M. D.  
02 04 06

**IN THE COURT OF PRESIDING OFFICER, SCHOOL TRIBUNAL,  
NASHIK.  
(Before : S. K. Bangad.)**

**Appeal No: 02/2023 (Dhule).**

**Exhibit No.20 .**

**Mr. Rajesh Murlidhar Saner,**  
Age: 47 yrs, Occ.: Nil,  
R/o. Plot No.5 Dadusing Colony,  
Tal. Shirpur, Dist. Dhule.

----- **Appellant.**

**-Verses-**

- 1] **The President,**  
The Shirpur Education Society,  
Tal. Shirpur, Dist. Dhule.
- 2] **The Vice President,**  
The Shirpur Education Society,  
Tal. Shirpur, Dist. Dhule.
- 3] **The Head Master,**  
R. C. Patel Madhyamik Vidyalay,  
Bhorkheda, Tal. Shirpur,  
Dist. Dhule.
- 4] **The Education Officer (Secondary),**  
Zilla Parishad, Dhule.

----- **Respondents.**

**Coram:- S. K. Bangad, Presiding Officer.**

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**Adv. for appellant.** : **Mr. D. B. Shirode.**  
**Adv. for respondent Nos.1 to 3** : **Mr. M. M. Bhavsar.**  
**Respondent No. 4** : **Exparte.**  
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Appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (The MEPS Act).

**J U D G M E N T**  
(Delivered on 11<sup>th</sup> March, 2026.)

By way of filing this appeal, the appellant has prayed for setting aside the impugned termination order dated 29.10.2015. Appellant has further prayed to reinstate him on the same post with continuity of service, full back wages, and all other consequential benefits attached to the said post.

**In short, appellant's case is as under :**

2] Respondent No.1 is a registered educational institution which runs respondent No.3 school, namely R. C. Patel Madhyamik Vidyalay, Bhorkheda. Respondent Nos.1 and 2 are the officials of the management of respondent No.1. Respondent No.4 is the government authority exercising supervisory control over the affairs of respondent Nos.1 to 3. The appellant stated that he possesses the qualifications of B.Sc. and B.Ed. The appellant had been working as an Assistant Teacher in various schools run by the respondent management since 28.06.1994. The appointment of the appellant was duly approved by respondent No.4. Thus, the appellant had

rendered approximately 21 years of service with the respondent institution without any blemish.

3] Appellant has stated that during the course of service, it was alleged that the appellant had a conversation in obscene language over a mobile phone with a girl student, Nilam Shivaji Rajput, who was studying in the 10<sup>th</sup> standard. The said conversation was recorded on the mobile phone of the student. Consequently, the father of the said student lodged a complaint with the respondent institution on 20.11.2014. Thereafter, the respondent management initiated disciplinary action against the appellant and placed him under suspension on 24.11.2014. Subsequently, the respondent management initiated a departmental inquiry against the appellant, and upon completion of the inquiry, the appellant was held guilty of the charges.

4] The appellant further stated that he was terminated by the respondent management on 29.10.2015 by conducting a sham and farcical inquiry. According to the appellant, the inquiry committee did not conduct the inquiry in accordance with the provisions of law and the principles of natural justice were not followed. The findings of the inquiry committee were predetermined with the intention to terminate the services of the appellant by any means. The charges leveled against him are not grave in nature and that the punishment imposed upon him is grossly disproportionate to the alleged misconduct. Under these circumstances, the appellant has

prayed that the appeal be allowed and the impugned order of termination be set aside.

5] Respondent Nos. 1 to 3 filed their reply at Exh. 13 and strongly opposed the appeal. They have stated that the services of the appellant were terminated on 29.10.2015 after conducting a proper and lawful departmental inquiry. The appellant had committed serious misconduct with a girl student. While responding to the charges leveled against him, the appellant had admitted all the charges in writing. The inquiry committee had granted sufficient opportunities to the appellant to defend himself during the course of the inquiry. The inquiry committee held approximately five meetings, and the appellant remained present in all the said meetings. During the inquiry proceedings, the respondent management examined seven witnesses. Thereafter, the inquiry committee completed the inquiry proceedings on 15.06.2015 and submitted its report recommending the imposition of a major penalty of termination against the appellant. Considering the aforesaid facts and circumstances, the respondent management has prayed for dismissal of the appeal with costs.

6] In spite of notice duly served to respondent No. 4, he did not appear in this matter. Resultantly, ex parte order is passed against respondent No.4.

7] Considering the pleadings of the parties, following points arise for my determination and I have recorded my findings there upon for the reasons to be followed :

<b>Sr. No.</b>	<b>Points</b>	<b>Findings</b>
1	Whether the appellant has established that the inquiry conducted by the management against him is unfair ?	<b>In the negative.</b>
2	Whether the appellant has established that the punishment awarded to him is disproportionate ?	<b>In the negative.</b>
3	What order ?	<b>As per final order.</b>

### **R E A S O N S**

#### **As to point Nos.1 to 3 :-**

8] Appellant has produced his appointment order dated 27.06.1994 (Exh.4/3), which shows that he was appointed as a Assistant Teacher w.e.f. 27.06.1994 on temporary basis. Thereafter, the post of appellant was approved by the Education Officer (Exh.4/4). It is alleged that the appellant has committed the misconduct by talking with girl student on mobile phone in obscene language. Apart from the oral arguments, appellant has filed his written notes of arguments at Exh.16.

9] The respondent management has stated that departmental inquiry was initiated against the appellant. They have produced the copy of charge-sheet issued to the appellant dated 16.01.2015 (Exh.15/5). All the charges leveled against the appellant

were mentioned in the said charge-sheet. It was replied by the appellant by letter dated 01.01.2015 (Exh.15/6). The appellant has stated in the said letter that he has apologized to the President of the respondent institution and he be not terminated from service. Respondent management has also produced the copy of complaint dated 20.11.2014 filed by the father of the girl student (Exh.15/7). They have also produced the copy of letter submitted by the appellant dated 20.11.2014, wherein he has tendered his apology by accepting his misconduct (Exh.15/8). Said letter is also signed by other teachers of the school.

10] Respondent management has produced the copy of proceedings book below Exh.18. On perusal of said proceeding book, it is seen that the appellant was given opportunity to nominate his representative during the departmental inquiry. The appellant has not nominated his representative and the inquiry has been conducted. The appellant was present in each meeting of the inquiry and the witnesses were examined by the management in his presence. Opportunity of cross-examination was also given to the appellant. He was given opportunity to examine his witnesses but he has denied to examine any witnesses on his behalf. He has admitted his guilt during the inquiry and tendered his apology. Thereafter, the proceeding was closed for submission of inquiry report. The inquiry report dated 15.06.2015 is produced below Exh. 15/4. The inquiry committee has stated in the report that the charges leveled against the appellant are serious in nature and are proved. So they have proposed for imposing major punishment upon the appellant.

Thereafter, the order of termination was issued to the appellant on 29.10.2015 (Exh.4/5).

11] Respondent management in support of the contentions, has placed its reliance upon the ratio laid down in the case of **Dharmarathmakara Raibahadur Arcot Ramaswamy Mudaliar Educational Institution -V/s- Educational Appellate Tribunal and others,**<sup>1</sup> wherein it is held that giving opportunity is a check and balance concept that no one's right be taken away without giving opportunity or without inquiry where statute so requires, but this is not necessary where allegations/charges are admitted and no possible defence is placed before the authority concerned.

12] In the present case, the respondent management has received the complaint from the father of the girl student. On the same day, the appellant has accepted his guilt and tendered his apology. Thereafter, the respondent management has initiated departmental inquiry against the appellant. Appellant has received the charge-sheet and answered the same. He has accepted his guild and even though the departmental inquiry was conducted and the witnesses were examined in presence of appellant. He was given opportunity to cross-examine witnesses on his behalf and thereafter the inquiry committee has submitted its report.

13] The respondent management has conducted the inquiry and the principles of natural justice were followed during the inquiry.

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<sup>1</sup>[(1999) 7 SCC 332]

In the present case, the allegations/charges are admitted and no possible defence is placed on record by the appellant. When the appellant himself has admitted the guilt on two occasions in writing and also during the course of departmental inquiry, then there no question of any bias. So, when he has admitted the guilt, then what remains to find out in the inquiry. Appellant has admitted his guilt and requested for leniency. The act which has been committed by the appellant is not appropriate for him when he is working as a teacher. The relationship between the teacher and the students is of utmost respect. Hence, the act committed by the appellant is serious in nature and he do not deserve any leniency. If the teacher with such kind of act is reinstated in service, it will pass a wrong message among the students. The punishment suggested by the inquiry committee and imposed upon by the management is right and needs no interference. So, point Nos.1 & 2 are answered in the negative and I pass following order in answer to point No.3 :

**: O R D E R :**

The appeal is dismissed with costs.

**(S. K. Bangad,)**  
**Presiding Officer, School Tribunal,**  
**Nashik Region, Nashik.**

**Date: 11/03/2026.**

Argued on : 11/03/2026.  
Judgment dictated on : 11/03/2026.  
Judgment checked & signed on : 11/03/2026.