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

Appeal No: 33/2024 (Jalgaon).

Exhibit No.19.

Mr. Chhapparband Navid Ali Khurshid Ali,
Age: 31 Years,
R/o. Pimpalgaon Hareshwar, Tal. Pachora,
Dist. Jalgaon.

-- **Appellant.**

-Verses-

- 1] **The President,**
Gram Vikas Mandal,
Pimpalgaon Hareshwar, Tal. Pachora,
Dist. Jalgaon.
- 2] **The Head Master,**
Smt. S. K. Pawar Madhyamik Ashram
Shala, Varsade Tanda, Tal. Pachora,
Dist. Jalgaon.

- 3] **The Assistant Commissioner,**
Social Welfare Jalgaon,
Dist. Jalgaon.

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

Adv. for appellant. : Mr. M. M. Bhavsar.
Adv. for respondent Nos.1 & 2 : Mr. D. B. Shirode/Mr. C. K. Karankal.
Respondent No. 3 : **Exparte.**

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 11th March, 2026.)

By way of filing this appeal, the appellant has prayed for setting aside the impugned termination order dated 29.05.2023. 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, Gram Vikas Mandal, Pimpalgaon Hareshwar, runs respondent No.2, namely Smt. S. K. Pawar Madhyamik Ashram School. The said school is recognized and aided by the Government. Respondent No.3 is the Government authority having supervisory control over the affairs of respondent Nos.1 and 2. The appellant possesses the qualification of H.S.C. The appellant was appointed as a Laboratory Assistant vide appointment order dated

15.06.2022. The appellant was appointed on the said clear and vacant post of Laboratory Assistant after following the due procedure of law. Thereafter, a proposal for seeking approval of the appellant's appointment was submitted to respondent No.3, i.e., the Assistant Commissioner, Social Welfare, Jalgaon, on 29.10.2022. However, the appellant was not informed as to whether the concerned authority had granted approval to his appointment or not.

3] The appellant has further stated that he had rendered continuous and satisfactory service with the respondent management without any blemish. However, his services were abruptly terminated by the respondent management vide order dated 29.05.2023. Before terminating his services, the respondent management did not issue any prior notice to the appellant. The said termination is alleged to be contrary to various government resolutions and notifications applicable to the institution. The respondent management did not provide him with any opportunity of being heard before passing the order of termination. The respondent management had no authority to terminate the services of a permanent employee in such a manner. Hence, in view of the aforesaid facts and circumstances, the appellant has prayed that the present appeal be allowed.

4] Respondent Nos. 1 and 2 have filed their reply at Exh. 14 and have strongly opposed the appeal. According to them, the appellant does not possess the requisite qualification for the post of Laboratory Assistant. The appellant was illegally appointed by the

previous management and that his appointment was not made by following the due procedure of law. Since the appellant did not possess the necessary qualifications for the said post, respondent No.3, vide letter dated 18.11.2022, rejected the proposal seeking approval to the appellant's appointment. The services of the appellant were terminated in accordance with the resolution passed by the school committee in its meeting held on 28.05.2023. Lastly, the respondent management has prayed that the appeal be dismissed with costs.

5] Record shows that respondent No. 3 i.e. the Assistant Commissioner, Social Welfare Jalgaon failed to appear in. Hence, present appeal has been proceeded ex parte against him. .

6] Considering the pleadings of both the sides and submissions of the learned advocates appearing for respective parties, following points arise for my determination of this appeal and I have recorded my findings there upon for the reasons to be followed :

| Sr. No. | Points | Findings |
|----------------|--|----------------------------|
| 1 | Whether the appellant has established that he was appointed by following due procedure of law ? | In the negative. |
| 2 | Whether the appellant has established that the school management has illegally terminated his services vide order dated 29.05.2023 ? | In the negative. |
| 3 | What order ? | As per final order. |

R E A S O N S

As to point Nos. 1 to 3 :-

7] Respondent management has filed the documents relating to the management committee of their trust along with list of documents at Exh.12. They have produced the change report to show who is the current managing body of trust. On perusal of these documents, the acting managing body seems to be taken on record by the orders of Charity Commissioner. This Tribunal has no jurisdiction to resolve the dispute relating to the managing body of the trust. This Tribunal is not concerned with the disputes amongst the managing committee. Only it is to be seen whether the appellant was appointed by following due procedure of law and the action taken by the respondent management is valid or not.

8] The appellant has produced the advertisement published by the respondent management along with Exh.4/1. In the said advertisement, applications were called for Laboratory Assistant with qualification of H.S.C. but the stream of the said qualification is not mentioned in the advertisement. He has produced the copies of resolution passed by the respondent management (Exh.4/3 and Exh.4/4). Appellant has also produced the copy of S.S.C. qualification to show that he has acquired the said qualification. Respondent management has terminated the service of the appellant on the ground that he did not have the required qualification for the post of Laboratory Assistant. They have stated that the appellant held the

qualification of H.S.C. in Arts stream, but the post of Laboratory Assistant required the qualification of H.S.C. Science.

9] The appellant in support of his contentions has placed his reliance upon the following authorities filed at Exh. 18 :

I] **Shri. Hiraji Nathurao Bangare -V/s- Dnyan Prasarak Shikshan Mandal and others, [2019 (3) ALL MR 47]**, wherein the Hon'ble High Court has held that the School Tribunal has to decide about the nature of appointment of employee on the basis of the appointment order, advertisement etc and not on the basis of the approval granted by the Education Officer.

II] **Raver Taluka Urdu Education Society -V/s- Mohammad Abdul Rauf Wahab, [2017 (6) ALL MR 332]**, wherein the Hon'ble High Court has held that even if an appointment of an employee may be illegal or irregular, it does not give the management right to resort to illegal termination.

10] In the present appeal, the appellant is relying upon the advertisement published by the respondent management and the resolution passed by them. On perusal of Schedule-B, part-6 provides the qualification for the post of Laboratory Assistant, which states that the person who has passed the Matriculation or Secondary School Certificate Examination with Physics and Chemistry or General Science subjects. The appellant holds the S.S.C. certificate with

science subjects. The advertisement was published with qualification of H.S.C. On perusal of order passed by the education department for refusing the approval of the appellant, it is held that the appellant is holding H.S.C. Art qualification and the post for which he is appointed requires H.S.C. Science. The appointment was given to the appellant subject to condition of approval from Assistant Commissioner, Social Welfare, Jalgaon (respondent No.3).

11] The appellant has not produced the order of appointment given to him nor he has produced roster point to show that the vacancy was available and under what category. In absence of appointment order, it is not possible to hold that the appellant was appointed on permanent basis. Further, it is also held that the required permission from the government is not obtained while appointing the appellant. The appellant has not even completed the required period of probation of two years in service. Hence, the appellant has not proved that he was appointed in service by following due procedure of law. In such circumstances, the appellant is not entitled for any reliefs from this Tribunal. His initial appointment was not in accordance with law and hence he cannot claim the benefits of permanency in service.

12] While issuing the order of termination, the respondent management has terminated the services of the appellant from the date of his appointment. This act of respondent management is against the provisions of law and not sustainable. Even though,

considering the nature of the appointment of the appellant, he is not entitled for reinstatement in service. So, the termination of appellant can be considered from the date of order of termination. Hence, 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.

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