

Received on : 25.11.2025
Registered on : 25.11.2025
Decided on : 08.04.2026
Duration : 0Y 04M 13D

BEFORE THE PRESIDING OFFICER,
Smt.D.T. JADHAV, SCHOOL TRIBUNAL, LATUR

Appeal No.45/2025
DIST: LATUR
Exh.No.18

CNR No.MHSS240000972025

Shaikh Tabssum Ekbal Husen

Age:40 Years, Occu: Service (Now Nil),

R/o: Chandeshwar,

Tq. & Dist. Latur

----- Appellant

VERSUS

1. The Secretary,
Amit Bahuuddeshiya Seva Sanstha, Latur,
Tq. & Dist. Latur

2. Head Master,
Mahemood Urdu Prathmik Vidyamandir,
Barkat Nagar, Latur, Tq. & Dist. Latur

3. The Education Officer (Primary),
Zilla Parishad, Latur.

Tq. & Dist. Latur

----- Respondents

CLAIM: APPEAL U/S 9 OF THE MAHARASHTRA EMPLOYEES OF PRIVATE SCHOOLS [CONDITIONS OF SERVICE] REGULATION ACT 1977 & RULES 1981.

Appeared Advocates:

Adv. M. B. Whatte

----- For Appellant

Adv. R. D. Patwari

----- For respondent No.1 & 2

EXPARTE

----- Respondent No.3

JUDGMENT

(Delivered on 08.04.2026)

The appellant's case in short is as under-

1. The respondent No.1 is the Secretary of Amit Bahuuddeshiya Seva Sanstha, Latur, Tq. & Dist. Latur. The respondent No.2 is the Head Master of Mahemood Urdu Prathmik Vidyamandir, Barkat Nagar, Latur, Tq. & Dist. Latur & the

respondent No.3 is the Education Officer (Primary), Zilla Parishad, Latur, Tq. & Dist. Latur, who is Controlling Authority over the Primary Schools in Latur district.

2. The appellant is H.S.C. D.Ed. having prescribed qualification for appointment as an Assistant Teacher in the primary school, as per Schedule-B Part-1 of the M.E.P.S. Rules 1981. The respondent No.1 management appointed the appellant as Assistant Teacher in the respondent No.2 school on 01.06.2008 on a clear, permanent and vacant post on probation period of two years as per Sec.5 (1) of the M.E.P.S. Act, 1977, with effect from 16.06.2008. The respondent No.1 passed unanimously resolution No.3 on 01.06.2008 for appointing the appellant as assistant teacher with effect from dt.16.06.2008. The appellant joined the school on 16.06.2008. The respondent No.1 passed unanimously resolution No.4 on 15.06.2010 for appointing the appellant permanently as she completed probation period of the two years.

3. The respondent No.2 Head Maser being secretary of the school committee and the respondent No.1 Secretary issued permanent appointment order dt. 15.06.2010. The appellant attained trainings and performed duties. She was relieved by the respondent school for attaining training. The school prepared seniority list for the academic year 2020-2021 and the name of the appellant is at Sr. No.7. The proposal for approval to the appointment of the appellant is rejected by the respondent No.3 Education Authority.

4. On 27.12.2024 the appellant had been to the school for performing her duties as Assistant Teacher, but the respondent No.2 Head Master restrained her to sign the muster roll on ground that the respondent No.3 rejected approval to her appointment as assistant teacher. The grant of approval is the matter between the management and the Education Authority and it is for getting salary. The approval is not a pre -condition for challenging the impugned termination order.

5. On 27.12.2024 the respondent No.2 restrained the appellant from signing muster roll. The appellant on the very day moved her application to the respondent No.3. She forwarded a copy to the respondent No.1. The respondent No. 3 Education Officer called explanation from the respondent. Again, the appellant had been to school on 11.01.2025 and requested the Head Master to allow her to resume duty and sign the muster, but he did not do so. On 13.01.2025 the appellant put her grievance to the respondent No.3.

6. The appellant served for 16 years continuous service in the respondent's school. As per Sec. 4 (6) of the M.E.P.S. Act, services of the permanent employee cannot be terminated without following due procedure of law and rules. The respondents illegally terminated the appellant by adopting illegal mode. The oral/otherwise termination order dtd. 27.12.2024 issued by the respondent No.2 Head Master is illegal and without any legal authority. Her service carrier is unblemished. After termination, the appellant has nowhere gainfully appointed. She is entitled to get full back-wages with continuity of service. Hence, this appeal.

7. He implored the oral/otherwise termination order dt.27.12.2024 passed by the respondent No.2 be quash and set aside. The respondents be directed to reinstate the appellant on the post of assistant teacher with continuity of service, full backwages along with all the consequential service benefits.

The respondent No.1 & 2 filed written statement at Exh.14:

8. The respondent No.1 & 2 admitted qualification of the appellant as well as her appointment as an Assistant Teacher in the respondent No.2 school on 01.06.2008 on clear, vacant post by following due procedure of law. The respondent No.1 passed a resolution No.3 on 01.06.2008 for appointing the appellant as Assistant Teacher and she joined the school on 16.06.2008. The respondent No.1 passed resolution on 15.06.2010 for appointing the appellant as permanent. The appellant completed probation period of two years. The respondent No.2 and the respondent No.1 Secretary issued the permanent appointment order dated 15.06.2010. The proposal for approval of the appellant was rejected by the respondent No.3.

9. They denied alleged termination of the appellant by the Head Master. The respondents have no knowledge of an application filed to the respondent No.3. The respondents admitted service of the appellant and her name in seniority list for the academic year 2020-2021. The appellant herself remained absent in the school from dt.

27.01.2024 as her approval was rejected on the post of Assistant Teacher. Hence, appeal be dismiss with costs.

10. By passing order below Exh.1 the appeal is proceeded exparte against the respondent No.3.

11. Heard Ld. Advocate Shri. M. B. Whatte for the appellant and Shri. R. D. Patwari for the respondent No.1 & 2. No one argued on behalf of the respondent No.3.

12. The points for determination along with findings and reasons thereto are as under-

Sr. No.	POINTS	FINDINGS
1.	Whether there is cause of action to file appeal?	In the affirmative.
2.	Whether the otherwise termination dated 27.12.2024 passed by the respondent No.2 is illegal and requires to be quash?	In the affirmative.
3.	Whether the appellant is entitled for reinstatement, backwages and all other consequential benefits as prayed?	In the partly affirmative.
4.	What order?	As per final order.

REASONS

As to Point No.1 to 3 :

To avoid repetition and curtail the length of judgment, I am discussing these points under one umbrella.

13. The appellant relied on documents vide Ex.4 including copy of resolution dated 01.06.2008, appointment order dt.06.06.2008, joining report dt.16.06.2008, relieving letter dt.30.07.2009, appointment order of continuation dt.15.06.2010, resolution No.4 dt.15.06.2010, joining report dt.16.06.2010, certificate as the appellant satisfactorily completed probation period dt.16.06.2008, relieving letter dt.12.10.2010, relieving letters dt.25.01.2010 & 19.10.2011 certificate dt.27.04.2013, letter of Head Master to Block Education Officer dt.29.06.2015 & seniority list of academic year 2020-2021. The document at exh.16/1 is grievance letter filed by the appellant to the education authority and at exh.16/2 reply called by education authority from respondent Head Master.

14. The Id. Advocate for the appellant argued that the appointment of the appellant is legal and after following due process of law. There is a resolution of the respondent management to appoint the appellant. The appellant is joined on duty on 16.06.2008 vide appointment order dt.06.06.2008. There is continuation of her service as permanent employee. For that he relied on the above documents. The Ld. Advocate for the appellant further argued that the appellant is in continued in service till the alleged date of termination. She attended training. The respondent school relieved her for attaining training. Her name is included in seniority list. For that he relied on the document at exh.4/9 to 4/12.

15. The Ld. Advocate for the appellant further argued that the approval of the appellant was rejected by the education authority therefore the respondent Head Master and the respondent management restrained her from signing muster roll and discharging duty from 27.12.2024. She made a grievance to the education authority vide exh.16/1 and education authority called reply of the respondent head master vide exh.16/2. The appellant is a permanent employee. She cannot be terminated from service without following due process of law.

16. The Ld. Advocate for the appellant further argued that the approval is not condition precedent and barrier to decide legality of appointment. For that he relied on citation of *Hon'ble Bombay High Court Bench at Aurangabad in case of Dipika Rahul Wadile @ Dipika Sunil Dhole vs. Eklavya Shikshan Prasarak Mandal, Bhilaipada & Ors. reported in 2025(6) ALL MR 430. Employees of Private Schools termination of service for non-grant of approval no provision in MEPS Act allows termination merely for want of approval Appointment after due process cannot be termed illegal termination unsustainable.*

17. The Ld. Advocate for the respondent No.1 & 2 argued that this citation is not applicable as facts are different law from present matter. Per contra, the Ld. Advocate for the appellant argued that though the facts are different from present matter but legal position of

law regarding approval is settled. Hence, this citation is applicable on that point.

18. I have gone through the case law. In cited case law the management sought prior permission from education officer to fill vacant post but no decision was taken by the education authority. Proposal for approval to her appointment was returned by the education officer on ground that prior permission was not obtained and management terminated the service of the employee on ground that the education officer has not granted approval to the appointment. In present case it is not pleading of the appellant or the respondent No.1 and 2 that the prior permission was sought by them for appointment of the appellant and there was advertisement for filling post in the respondent school. In cited case direction was given to the education officer regarding approval.

19. It is settled position of law that approval is not subject matter of School Tribunal. The ambit is restricted as per Section 9 of MEPS Act. It is also stated position of law that approval is not precondition to decide appointment. The respondent No.1 & 2 specifically admitted the appointment of the appellant, its order and service rendered by her.

20. The Ld. Advocate for the respondent No. 1 and 2 strongly argued that the respondent head master or management never terminated the service of the appellant but the appellant herself left the service as her approval was rejected by the education authority. There

is not any cause of action to file present appeal. The respondent No.1 & 2 admitted the appointment of the appellant at the hands of respondent management, her joining as well as discharging duty as assistant teacher in the respondent school but their main focus of argument is that the appellant came with a false cause of action of alleged termination.

21. The Ld. Advocate for the appellant argued that from last 16 years the appellant was discharging duty. If she was not interested to continue duty then it was not probable that she remained in service for 16 years. After the alleged termination dt.27.12.2024 she immediately made her grievance to the education authority on 27.12.2024. If she remained continuous absent on duty, why the respondent head master and the management kept mum and not issued any notice to the appellant. Till today there is no single notice issued to her. The cause of action is genuine one. The appellant was not knowledge of proper Forum therefore the delay was caused to file appeal.

22. The delay to file this appeal was condoned by allowing delay condonation application M.A. No.26/2025 on cost. The appellant complied the order in delay application. The Ld. Advocate for the appellant argued that from the date of termination the appellant has not any source of income. For that she relied on no gainful affidavit at exh.17. The respondents have not argued or made any

pleading in say that the appellant is having another income source and she is earning. Hence, that pleading remained intact.

23. The Ld. Advocate for the appellant argued that the appointment of the appellant is legal one. The respondent No.1 & 2 illegally terminated the service of the appellant. Hence, it is necessary to set aside the termination order. Per contra, the Ld. Advocate for the respondent No.1 and 2 argued that there was not any need for the respondent No.1 & 2 to terminate the service of the appellant but she herself left service without any permission of the management. She remained absent from dt.27.12.2024. Hence, appeal is liable for dismissal. She is not entitled to claim any relief against the respondent No.1 & 2.

24. I have gone through the pleading of both the parties. The education officer is not appeared. There is not any approval to the appointment of the appellant as well as permanent approval. Even it is not on record that the respondent No.1 and 2 made correspondence or obtained permission from the Education Dept regarding filling post of assistant teacher in the respondent school as per sanctioned set/roster. Both the parties have not filed sanction set or roster of the school. Hence citation relied by the appellant is not helpful in contest to lies any burden on the respondent No.3 education authority. There is not any role of the respondent No.3 Education Authority in the appointment of the appellant as well as in alleged termination. Hence the appellant is not entitled any relief from the respondent No.3 Education Authority.

25. The respondent No.1 & 2 admitted that they appointed the appellant by passing resolution and she discharged duty in the respondent school. Hence it is total responsibility of the management who appointed the appellant and official duty of the respondent No.2 Head Master being administrative head to reinstate the appellant and to pay backwages.

26. It is defense of the respondent No.1 & 2 that they have not terminated the appellant, but she herself left service and remained absent from dt. 27.12.2024. Hence there is not any cause of action to file an appeal. The record filed by the appellant shows that after the alleged termination dt.27.12.2024 she immediately put her grievance to the education authority on 27.12.2024. The question arose, if she remained continuous absent on duty from dt.27.12.2024 why the respondent head master and the management kept mum and not issued any notice to the appellant. Till today there is no single notice issued to her. Hence, the cause of action shown by the appellant proves genuine.

27. In view of above discussion, it proves that the respondent No.1 & 2 appointed the appellant and they terminated her service without following due process of law. She is entitled relief of the reinstatement and backwages from the respondent No.1 and 2. Hence, I answered Point **No.1 in affirmative, Point No.2 in affirmative, Point No. 3 in partly affirmative** and passed following order for the Point No.4.

ORDER

1. The appeal is partly allowed.
2. The otherwise termination order dt.27.12.2024 at the hands of the respondent No.1 & 2 is set aside.
3. The respondent No.1 & 2 are directed to reinstate the appellant in the respondent No.2 school on post of assistant teacher and to pay backwages, continuity of service to her.
4. The appeal is dismissed against the respondent No.3 Education Authority.

(Dictated and pronounced in the open Court.)

Date : 08.04.2026

Place: LATUR

(Smt. D. T. Jadhav)
Presiding Officer
School Tribunal, LATUR

CERTIFICATE

I affirm that, the contents of this P.D.F. File Judgment/ Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	B. P. Wayakar Stenographer (Higher Grade) School Tribunal, Latur
Name of the Court	Hon'ble Smt. D. T. Jadhav, Presiding Officer, School Tribunal, Latur
Judgment/Order Date	08.04.2026
Judgment/ Order signed by the P.O. on	08.04.2026
Judgment/ Order uploaded on	08.04.2026