

Bhogale

FARAD CONTINUATION SHEET No.**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.5569 OF 2018
WITH
WRIT PETITION NO.5568 OF 2018
WITH
WRIT PETITION NO.4657 OF 2018
WITH
WRIT PETITION NO.12197 OF 2018
WITH
WRIT PETITION NO.5540 OF 2018
WITH
WRIT PETITION NO.5566 OF 2018**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.C. Sadasivan for the Petitioner.
 Mr. S.A. Rajeshirke for Respondent No.5.
 Mr. S.H. Kankal, AGP for the State/Respondent Nos.2 to 4 in WP/5569/2018.
 Mr. S.D. Rayrikar, AGP for the State/Respondent Nos.2 to 4 in WP/5568/2018.
 Mr. C.D. Mali, AGP for the State/Respondent Nos.2 to 4 in WP/4657/2018.
 Mrs. V.S. Nimbalkar, AGP for the State/Respondent Nos.2 to 4 in WP/12197/2018.
 Mr. P.P. Pujari, AGP for the State/Respondent Nos.2 to 4 in WP/5540/2018.
 Mr. P.V. Nelson Rajan, AGP for the State/Respondent Nos.2 to 4 in WP/5566/2018.

CORAM : M.S.KARNIK, J.**DATE : MARCH 31, 2021****P.C.**

Learned counsel for the Petitioner submitted that the Tribunal committed an error in dismissing the Appeals solely on the ground that

the procedure contemplated under Rule 25A of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 was duly followed. Learned counsel for the Petitioner invited my attention to Section 35 of the Maharashtra State Board of Technical Education Act, 1997 ('the said Act' for short) to contend that unless the prior permission of the Government is obtained, no management of an institution shall be allowed to close down the institution. He submits that the Respondent No.1 has not obtained any prior permission of the Government as is the requirement of Section 35 of the said Act.

2. Prima facie I am satisfied that the closure of the institution is without obtaining prior permission of the Government and therefore the termination effected may be contrary to the provisions of law. This aspect appears to not have been considered by the Tribunal.

3. Issue fresh notice to the Respondent No.1, returnable on 28.04.2021.

4. Learned AGP appears for Respondent Nos.2 to 4 and waives service of notice. Mr. Rajeshirke

appears for Respondent No.5 and waives service of notice. Considering the narrow controversy involved the Respondent No.1 is put to notice that an endeavour would be made to dispose of the Petition finally at the stage of admission. The Petitioner is permitted to serve the private notice on the Respondent No.1.

5. It is made clear that if upon filing of an affidavit of service by the Petitioner of having served the private notice on the Respondent No.1, the Respondent No.1 fails to appear, this Court may proceed to hear the Petition finally.

6. List the Petitions on 28.04.2021 under the caption 'for directions/hearing'.

(M.S.KARNIK, J.)