

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13203 OF 2023

Smita Ajay Rawat

.. Petitioner

Versus

The Secretary,

Sevagiri Shikshan Sanstha & Ors.

.. Respondents

.....

- Mr. Parth Deshpande i/by Mr. V.B. Tapkir, Advocate for Petitioner
- Ms. Kavita N. Solunke, Addl. G.P. with Ms. V.R. Raje, AGP for Respondent Nos. 4 & 6

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 23, 2025

P. C.:

1. Heard Mr. Deshpande, learned Advocate for Petitioner and Ms. Solunke, learned Addl. GP for Respondent Nos. 4 & 6. At the request made by Mr. Deshpande considering the exigency mentioned by him matter is taken up for hearing.

2. Present Petition impugns the judgment & order dated 29.03.2023 passed by School Tribunal, Pune. Record shows that though notices have been issued to the Respondents previously and service has been completed on all Respondents, Petition has not been heard thereafter.

3. Today at the time of rising Mr. Deshpande would persuade the Court to hear the Petition in view of the ignominy suffered by Petitioner for being out of employment for several years. After hearing

Mr. Deshpande, I am inclined to take up the Petition. He would draw my attention to the impugned judgment dated 29.03.2023 passed in Appeal No. 25 of 2019. He would submit that Petitioner was appointed as an Assistant Teacher in a non-aided school run by the Educational Institution i.e. Respondent Nos. 1 to 3 on 01.03.2013. He would submit that pursuant to the appointment of Petitioner, Respondent No. 4 - Education Officer granted approval to the post of Petitioner as Assistant Teacher in the non-aided school which was against a clear and vacant post. He would submit that appointment of Petitioner was made by following due process of law as per MEPS Act and rules. To that effect he has drawn my attention to the averments made in the Petition in paragraph Nos. 2 and 3 and would further contend that Petitioner's services were continued even after she completed her probation period in 2015 without any issue until 2019. He would submit that despite Petitioner having continued with a clear and unblemished record of service, Respondent Nos. 1 to 3 terminated her services by handing over a letter dated 27.12.2018 to her on the ground that the post of Petitioner as Assistant Teacher was cancelled in the staff approval granted by Respondent No. 4 - Education Officer. This letter of Education Officer is dated 27.12.2018.

4. He would contend that even though reliance is placed by Respondents on this letter, Petitioner was still allowed to continue with

her services as Assistant Teacher till 28.02.2019 and only w.e.f. 01.03.2019, Respondent Nos. 1 to 3 restricted the Petitioner from signing the muster. He would submit that being aggrieved with the aforesaid action of Respondents, Petitioner knocked the doors of the Tribunal by filing Statutory Appeal No. 25/2019 challenging her termination / removal. It is in this proceeding that the impugned judgment & order has been passed.

5. Mr. Deshpande would persuade the Court to consider the fact that appointment of Petitioner was against a clear, vacant and permanent post in the non-aided school and therefore despite continuation of her service upto 2019, Respondents have abruptly terminated her services on the innocuous ground of the said post having been cancelled by Respondent No. 4 in 2018. An arguable case is made out for issuance of notice. Issue notice to the Respondents made returnable on 07.10.2025. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve copy of the Petition along with copy of this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.

6. Ms. Solunke, learned Addl. GP appears for Respondent Nos. 4 and 6. She will take appropriate instructions and file affidavit in reply

within a period of two weeks from today positively. Considering the ignominy of Petitioner, there shall be no dereliction in filing the affidavit in reply since in view of the facts narrated by Mr. Deshpande, present Petition deserves to be heard and decided peremptorily at the time of admission itself. Copy of this order shall be served by Mr. Deshpande on all unrepresented Respondents i.e. Respondent Nos. 1 to 3 and Respondent No. 4. They are directed to file affidavit in reply, if any so that the present Petition can be heard further and decided appropriately.

7. Stand over to 7th October, 2025.

[MILIND N. JADHAV, J.]

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