

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.877/2017

Chandrakant V The State of Maharashtra and others

Writ Petition No.881/2017

Sudhakar V The State of Maharashtra and others

Writ Petition No.879/2017

Vilas V The State of Maharashtra and others

Writ Petition No.880/2017

Moreshwar V The State of Maharashtra and others

Writ Petition No.878/2017

Bablu V The State of Maharashtra and others

Writ Petition No.882/2017

Sudhakar V The State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. B.G. Kulkarni, Adv for petitioner.
Mr. N.R. Patil, AGP for State.

CORAM : AVINASH G GHAROTE, J.

DATE : 02-02-2023

Mr. Bhate and Mr. Kulkarni, learned Counsel appearing for the petitioners in bunch of petitions, submits that the Education Officer had no authority to cancel the approval accorded to the employment of the petitioners as such a power was only vested with the Deputy Director of Education, and that too on a limited aspect of fraud or suppression, all such ingredients are absent in the present matter. It is therefore contended that the communication of the Education Officer indicating withdrawal of approval dated 9-8-2006 was clearly without authority and on such basis the termination orders issued by the

respondent/Management, are *per se* illegal.

2. It is also contended that the learned School Tribunal, without going into this aspect of the matter, merely on the basis of an enquiry in relation to Sec. 5 of the MEPS Act, found that the appointment of the petitioners was not in consonance with the requirement of Sec. 5, as the School Committee was not properly constituted on account of Kondbaji Kadu not being the Member of the trust. That is the only ground on which the appeal has been dismissed.

3. Since Mr. Dharmadhikari, learned Counsel for the respondent/Management is absent, list all the matters on 07-02-2023.

JUDGE