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C.A.No. 3911 OF 2001  
ITEM No.101 (PH)  
IX

Court No.8

SECTION

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.. 3911 of 2001

MAHARASHTRA EDUCATION SOCIETY & ANR. ... APPELLANTS

VERSUS

PRATIMA ANANT SATHE ...RESPONDENT

Date : 13/02/2003 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s) Mr. Balwant Apte, Sr.Adv.  
Mr. Cinnmoy Khaladkar, Adv.  
Mr. S.R. Grover, Adv.

For Respondent (s) Mr. Subrat Birla, Adv.  
Mr. Makarand D. Adkar, Adv.  
Mr. Anurag D. Kishore, Adv.  
Mr. S.C. Birla, Adv.

UPON hearing counsel the Court made the following  
O R D E R

After hearing learned counsel for the parties for 10 minutes ,  
the civil appeal is disposed of in terms of the signed order. No  
costs.

Sarita (Shelly Sengupta)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3911 OF 2001

MAHARASHTRA EDUCATION SOCIETY & ANR. ...PETITIONERS

VERSUS

PRATIMA ANANT SATHE ...RESPONDENT

O R D E R

The respondent herein was appointed as Assistant Teacher in MES Bal Shikshan Mandir. She had completed only M.A. when she was appointed and later she acquired qualification B.Ed. Ph. D. (in Marathi). Her services were terminated on the ground that they were not satisfactory. She filed Appeal No.78/1992 before the School Tribunal challenging the order of the termination of her services. The said order of termination was set aside by the Tribunal. Thereafter, her services were again terminated on the ground that certain irregularities alleged to hav

e been committed. The respondent took a second round to challenge that order. The School Tribunal having examined the respective contentions and having taken note of the facts in sufficient details, concluded that the order of termination passed against the ..2

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respondent was bad in law and consequently, it was set aside. The appellant-Management aggrieved by and not satisfied with the order of the Tribunal, filed the writ petition challenging the validity and correctness of the same. The learned Single Judge dismissed the writ petition observing :

"I find from the record that full work load of Marathi is available. In my opinion, if that work load is available then considering the interest of the students, which should be paramount consideration, and looking to the qualification of the Respondent No.1 the only subject of which work load is to be allotted to her is Marathi."

The appellants took up the matter further before the Division Bench of the High Court by filing a Letters Patent Appeal. The same was dismissed as the Division Bench did not find any good ground to interfere with the order passed by the learned Single Judge. It is thus in these circumstances, the present appeal has come up for consideration.

Mr. Balwant Apte, learned Senior Counsel for the appellants made submissions contending that the School Tribunal as well as the High Court were not right and justified in setting aside the order of termination passed against the respondent having regard to the nature of charges and facts that have come on record.

Per contra, learned counsel for the respondent made submissions supporting the impugned order and justifying the same.

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After hearing the learned counsel for the parties and looking to the concurrent findings of fact recorded by the Tribunal as well as the High court and having regard to the facts and circumstances of the case, we decline to interfere with the impugned order. However, the principal of the school has to prepare a time-table keeping in view the best interest of the students in assigning the subject to be taught by the respondent. While doing so, the Principal may also take note of the fact that the respondent is well-qualified in Marathi and she can also teach other language or subject, if need be.

With these observations, the appeal stands disposed of. No costs.

.....J.  
(SHIVARAJ V. PATIL)

New Delhi,  
February 13, 2003.

.....J.  
(ARIJIT PASAYAT)