

ITEM NO.106

COURT NO.11

SECTION IX

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(s). 7937/2011

JAI BHAVANI SHIKSHAN PRASARAK MANDAL

Appellant(s)

VERSUS

RAMESH & ORS.

Respondent(s)

Date : 10-03-2022 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Appellant(s) Mr. Anil Kumar, AOR

For Respondent(s) Mr. Charudatta Vijayrao Mahindrakar, AOR

Mr. Samrat Shinde, Adv.

Mr. Rahul Chitnis, Adv.

Mr. Sachin Patil, AOR

Mr. Aaditya A. Pande, Adv.

Mr. Geo Joseph, Adv.

Ms. Shwetal Shepal, Adv.

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

Arguments heard in part.

The arguments of learned counsel for the respondents is that an inquiry against the respondent No.1 is required to be conducted in which President of the Management has to be the Member. However, Rule 36(2)(b) of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (for short, the Rules) refers to constitution of the Inquiry Committee in respect of a Head as mentioned in sub-Rule (1).

In terms of sub-Rule (1), the Head as defined under Section 2(9) of the Maharashtra Employees of Private Schools

(Conditions of Service) Regulation Act, 1977 means Principal, Vice Principal etc. whereas the Chief Executive Officer is defined under Rule 2(c) of the Rules. Therefore, the delinquent is head is not enough to mandate President of the Managing Committee to be part of the Inquiry Committee, he has to be Chief Executive Officer also in terms of Rule 2(c) of the Rules.

Learned counsel for the respondent seeks some time to examine the question raised.

List the matter on 22.03.2022.

(SWETA BALODI)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)