



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4830 OF 2026

Dhainje Shikshan Sanstha & anr.

..Petitioners

Versus

Sandeep Dinkar Dahiphale & ors.

...Respondents

Mr. Nitin Kulkarni, for the Petitioners.

Mr. Rahul Kadam, for the Respondents.

CORAM : N. J. JAMADAR, J.

DATE : 16th SEPTEMBER 2026

ORDER :-

1. Heard the learned Counsel for the parties.
2. This petition under Article 227 of the Constitution of India, assails the legality, propriety and correctness of a judgment and order dated 17th February, 2026, passed by the learned Presiding Officer, School Tribunal, Pune in Appeal No.38/2017 whereby the termination of the Respondent No.1 from the service of the Petitioner No.2 – School was quashed and set aside and the petitioners were directed to reinstate the Respondent No.1 to his original post with continuity of service and other benefits and to pay 75% of the back wages to the

Respondent No.1 from the date of his termination till reinstatement in service.

3. In fact, this is the second round of litigation before this Court.

4. By an order dated 18th October, 2021, the learned Presiding Officer, School Tribunal had set aside the termination of the Respondent No.1 and, yet, declined to grant the relief of reinstatement in service. Thereupon, the Respondent No.1 had preferred WP/1258/2022.

5. By an order dated 29th August, 2023, this Court, while upholding the order of the School Tribunal setting aside the termination of the Respondent No.1, remitted the appeal back to the School Tribunal to decide whether the Respondent No.1 was working against partially aided post or not and whether the Respondent No.1 could be granted the relief of reinstatement.

6. By the impugned judgment and order, the learned Presiding Officer, School Tribunal returned a finding that, the Respondent No.1 was appointed and working against partially aided post when his services were illegally terminated. The Respondent No.1 was directed to be reinstated in service and paid 75% of back wages from the date of his termination till reinstatement in service.

7. Mr. Nitin Kulkarni, the learned Counsel for the petitioners submitted that, there was no material to show that the Respondent No.1 was appointed against the post to which the grant-in-aid was made available by the Government. The learned Presiding Officer, Mr. Kulkarni would urge, selectively read the material on record to hold that, the Respondent No.1 was working against a grant-in-aid post.

8. It was further submitted that, the petitioners are ready and willing to reinstate the Respondent No.1 to the same position which he was allegedly occupying, namely Shikshan Sevak and pay the consolidated remuneration. However, the direction to reinstate the Respondent No.1 to the post of a Teacher with continuity of service and other benefits and pay 75% of the back wages from the date of termination till his reinstatement in service, is extremely onerous. To this extent, Mr. Kulkarni would urge, interference is warranted with the impugned order.

9. In contrast to this, Mr. Rahul Kadam, the learned Counsel for the Respondent No.1 submitted that, on the basis of the documents which were tendered by the petitioners themselves, it became evident that, the Respondent No.1 had been working on a partially sanctioned post. The petitioners had made an

endeavour to suppress the material facts and documents from the School Tribunal. An effort was made to obfuscate the matter. In this backdrop, Mr. Kadam would urge, the writ petition deserves to be dismissed.

10. As noted above, the order of termination of the Respondent No. 1 was declared to be illegal and quashed and set aside by the School Tribunal. The petitioners had not assailed the said order passed by the School Tribunal. In WP/1258/2022, this Court explicitly clarified that, the decision of the School Tribunal setting aside the termination order dated 15th June, 2016, was not disturbed. Only the aspects of the reinstatement in service and the back wages, arose for consideration before the School Tribunal.

11. In paragraph No.21 of the impugned judgment and order, the School Tribunal had extracted the copies of the sanctioned staffing pattern orders qua the Petitioner No.2 – School, from the academic year 2008-2009 to 2012-2013. The learned Presiding Officer, School Tribunal noted that, only in the academic year 2008-2009 and 2009-2010, there were 4 posts sans any grant-in-aid, whereas for the academic year 2010-2011, 2011-2012 and 2012-2013, there were 4 posts with full grant and 4 posts with partial grant-in-aid (60%).

12. Comparing and contrasting, the copies of the muster roll maintained by the Petitioner No.2 – School, the learned Presiding Officer, School Tribunal found that, the Respondent No.1 was working on a partially sanctioned grant-in-aid post. Conversely, there was no unaided post and, therefore, the Respondent No.2 could not have worked against a post without grant-in-aid as no such post was sanctioned in staffing pattern since the year 2010-2011. A categorical finding was recorded by the School Tribunal that, the Respondent No.1 was one of the 8 teachers working against sanctioned strength of 8 teachers till June, 2011.

13. This Court finds that, the aforesaid findings are recorded by the School Tribunal on the basis of evidence and material on record. These findings are based on the orders of the staffing pattern, which appear to be of unimpeachable credibility. Such findings of facts cannot be interfered with in exercise of the supervisory jurisdiction. It does not stand to the reason that, though there was no sanctioned unaided post, yet, the Respondent No.1 was allowed to work in the School since the year 2010. The copies of the muster roll produced before the School Tribunal indicate that, the name of the Respondent No.1 was shown at Serial Nos. 7 and 8 of the muster rolls.

Cumulatively, the orders of the staffing pattern and the copies of the muster roll would establish that, the Respondent No.1 was working against a partially aided post.

14. The learned Presiding officer, School Tribunal has ascribed justifiable reasons as to why the Respondent No.1 was entitled to 75% back wages. An endeavour was made by the petitioners to show that the Respondent No. 1 was gainfully employed as he was running a snacks stall. It emerges from the record that, on account of the illegal termination of the services of the Respondent No.1, the latter was forced to run a snacks stall in front of the very school where he was imparting education before his illegal termination.

15. In the case at hand, the normal rule of reinstatement with continuity of service and back wages, on account of ex facie wrongful termination, expounded in the case of *Deepali Gundu Surwase Vs. Kranti Junior Adhyapak Mahavidyalaya (D.Ed.) & ors.*¹, applies with full force and vigour by the sheer circumstances, which forced the teacher to run a snacks stall in front of the very school at the cost of grave injury to his self-esteem and standing in society.

1 (2013) 10 SCC 324

16. The learned Presiding Officer, School Tribunal has correctly appreciated the facts and the quantum of deduction required to be made on account of forced self-employment, with a tinge of humiliation, and in the matter of fastening the liability on the petitioners only to pay the back wages. In exercise of the supervisory jurisdiction, this Court does not find any legal infirmity in the impugned order.

17. The Writ Petition stands dismissed.

[N. J. JAMADAR, J.]