

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10868 OF 2014

Shri. Mohite Shankar Dagadu

Age: 47 Years, Occu: Nil,

R/at Post Talashet, (Indapur) Tal

Mangaon, Dist. Raigad.

...Petitioner

NAVNATH
SITARAM
WAGHMARE

Versus

Digitally signed by
NAVNATH
SITARAM
WAGHMARE

Date: 2026.09.10
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1. Indapur Vibhag Shikshan Prasarak
Mandal, At Post Talashet (Indapur) Tal
Mangaon, Dist. Raigad Pin- 402112
(Through its President)

2. The Headmaster,
Navjeevan Vidya Mandir,
At Post Talashet (Indapur) Tal. Mangaon,
Dist Raigad Pin- 402112.

3. The Education Officer, Secondary Section,
Zilla Parishad Raigad, Alibag, Dist. Raigad.

4. State of Maharashtra,
Dept. of School Education Mantralaya
Mumbai (Through its Secretary)

...Respondents

Ms. Kumud Bhatia for the Petitioner.

Mr. Mandar Limaye a/w Prabhanjan Gujar a/w Padmanabh Sangle for the
Respondent No.1.

Ms. Savina Crasto AGP for the Respondent/State..

CORAM : M.M. SATHAYE, J.

DATE : 08th SEPTEMBER, 2026

ORAL JUDGMENT :

1. Heard learned counsel for the parties. Perused the record.

2. Invoking Article 227 of the Constitution of India, the
Petitioner/Employee is challenging the order dated 07.03.2014 passed by the

Presiding Officer, School Tribunal, at Pune ('the Tribunal' for short) in Appeal No. 42 of 2009. By the said impugned order, the appeal filed by the Petitioner challenging termination order dated 02.12.2008 is dismissed.

BRIEF BACKGROUND

3. The Petitioner filed the said appeal under section 9 of Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and Rules, 1981 made thereunder ('the said Act' and 'the said Rules' for short) contending *inter alia* as under:

That he was appointed as Junior Clerk on 28.09.1991 on a clear and permanent vacancy. That he got promoted to the post of Senior Clerk in June, 1993. That no memos were issued to him during his service till March, 2006, when the management changed and it was taken over by the new Secretary of Respondent No.1-Management. That another junior clerk working with the institution had good relations with the new Secretary and therefore in the year 2006, dispute was raised for the first time about seniority of the Petitioner. That Petitioner was called to the meeting of the School Committee in February, 2007 and certain allegations were made, which were denied by him. Correspondence ensued thereafter between the Institution and the education authorities. Explanation was called from the Petitioner, which was given. The explanation offered by the Petitioner was not found satisfactory and by letter dated 20.06.2008, the Petitioner was put under suspension, resulting into legal notices by the Petitioner. On 17.07.2008, the Management issued a letter to Petitioner informing that Inquiry Committee is being formed and called upon the Petitioner to inform his nominee. On 28.07.2008, the Petitioner informed his nominee as one Mr. M.R. Kadam. On 01.08.2008, Inquiry Committee was constituted and Petitioner was called upon to remain present before the Inquiry Committee. The Petitioner denied all allegations. After report and recommendations by the Inquiry committee, the Petitioner was terminated. Then the Petitioner filed said appeal challenging the termination.

4. The Respondent- Management filed its written statement contending *inter alia* as under.

That Petitioner was never appointed in 1991. That Petitioner had prepared false record and fabricated documents. That case of working as senior clerk from June 1993 was denied. That the Petitioner has been given sufficient notices and has been supplied necessary documents, who has participated actively in the Inquiry Committee meetings. That the Petitioner and his nominee both have participated in the inquiry. That after giving sufficient opportunity and following procedure under Rule Nos. 36 and 37 of the said Rules, the inquiry is conducted. That based on the findings and recommendations of the inquiry committee, the Petitioner has been terminated. That the Tribunal on appreciation of evidence and after hearing both sides, has dismissed the appeal by detail reasoned order which does not require interference.

5. The Tribunal dismissed the appeal by impugned order dated 07.03.2014.

6. In these circumstances, the Petitioner has filed the present petition. It was admitted on 20.09.2016. While admitting the petition, this Court refused interim relief considering serious allegations against the Petitioner.

7. It appears from the record that during pendency of the petition, the petition was permitted to be amended and certain corrections carried out in the impugned order were permitted to be brought on record, by way of filing fresh copy of the impugned order. It is necessary to note at this stage itself that the corrections made in the impugned order are not major and they only pertain to a wrong finding recorded against point no.3. It is material to note that though in the earlier order, Point No. 3 was held as 'No', the discussion as well as conclusion clearly indicated otherwise. Apparently small mistakes seem to have been corrected. Also in Paragraph Nos. 11 and 16, minor corrections, which do not have any bearing on the findings as well as reasons,

are also made.

SUBMISSIONS

8. Learned counsel for the Petitioner submitted as under.

8.1. That the Petitioner has not fabricated any documents as alleged. That he has been acquitted under order dated 12.06.2023 from the criminal charges in Regular Criminal Case No. 48/2010 passed by Judicial Magistrate First Class, Mangaon (Court No.2) which were simultaneously pressed against him. That he has been acquitted of offences punishable under Sections 408, 409, 467, 468, 471, r/w 34 of Indian Penal Code, 1860.

8.2. That the Petitioner has been made a scapegoat because of the change in the Management.

8.3. Typed and photocopies of approval order are relied upon to assert that Petitioner's appointment is from the year 1991. That till the change of management, there was no complaint against the Petitioner and no memos were issued.

8.4. That so far as service book is concerned, it is prepared by the Headmaster and the Petitioner had no control over it and as such alleged forgery could not have been held as proved.

8.5. That sufficient opportunity was not given before the Inquiry Committee to defend the case and therefore the appeal should have been allowed setting aside the termination.

9. On the other hand, learned counsel for Respondent. Nos. 1 and 2 (Management and School) supported the impugned order contending *inter alia* as under.

9.1. That charges pressed against the Petitioner are of very serious nature and they have been proved by following proper procedure under Rules Nos. 36 and 37 of the said Rules.

9.2. That the Petitioner and his nominee have participated in the inquiry and sufficient opportunity has been given to the Petitioner. That the Petitioner has chosen not to lead any independent evidence. That Petitioner has not examined himself.

9.3. That the Tribunal has considered the documents produced on record in detail, coming to conclusion that the applicable Rules have been meticulously followed and the appeal has been dismissed finding that the charges are rightly held as proved.

9.4. That since principles of natural justice have been followed and no real prejudice is shown by the Petitioner, no interference is required in limited writ jurisdiction.

REASONS AND CONCLUSION

10. I have considered the rival submissions and perused the record.

11. At the outset, it is necessary to deal with the submission of the learned Counsel for Petitioner about effect of acquittal from the criminal proceedings. Learned counsel for the Petitioner has relied upon the judgment of Hon'ble Supreme Court in **Ram Lal Vs. State of Rajasthan and Ors. (2024) 1 SCC 175** to contend that acquittal order must be held to have an effect that the alleged Charge Nos. 1 and 2 cannot be held as proved. On the other hand, in this regard, learned Counsel for the Respondent/Management has relied upon the judgment of **State of Andhra Pradesh and Ors. Vs. S. Sree Rama Rao 1963 SCC OnLine SC 6** to contend that the judgment of acquittal in criminal trial cannot always be regarded as a binding precedent in a departmental inquiry and the Court must independently assess the material on record, especially when such exercise is already done by the Tribunal.

12. In **Ram Lal (Supra)**, the Hon'ble Supreme Court has clarified that mere acquittal in criminal proceedings does not confer any right upon the employee to claim benefits including reinstatement. It is however clarified that where charges in departmental inquiry and Criminal Court are identical and

evidence, witnesses and circumstances are also same and where Court in exercise of judicial review finds that acquittal in criminal proceeding was after full consideration of prosecution evidence, the Court can interfere with the order passed in disciplinary action, where findings of disciplinary authority are found to be unjust, unfair and oppressive. The Hon'ble Supreme Court has however clarified that each case depends on its own facts. Therefore, mere acquittal will not *ipso facto* entitle an employee to claim benefit and the case will have to be considered on its own facts and circumstances.

13. In that view of the matter, it is necessary to consider the facts of this case and the manner in which the Tribunal has dealt with the material produced.

14. The Petitioner faced following charges during the inquiry :

Charge No.1- Forging documents to make changes in the date of his own appointment and creating bogus service book with forging signature of the Headmaster.

Charge No. 2- Date of appointment as promoted Senior Clerk and producing bogus copy of Resolution dated 14.07.2005, which is not actually passed by managing committee in a meeting, for getting sanction to particular pay-scale fraudulently.

Charge No.3- Illegally giving three increments in one year, to his own wife while preparing pay bills.

Charge No.4- Preparing bogus documents relating to service of his wife and showing her eligible for B.Ed scale when she was entitled to D.Ed. scale, for getting sanction from the Education Department.

Charge No.5 - Dishonestly misplacing service records and documents relating to appointment letter, correspondence with Education Officer, muster roll regarding service of himself and his wife.

Apart from these charges, there are findings of the Inquiry

Committee about attempt by the Petitioner for publishing defamatory statements in newspapers and threatening to commit suicide to pressurize the Respondent-Management.

15. It is not disputed that the Petitioner was asked to nominate his nominee in the Inquiry Committee which was duly appointed, who has participated in the proceedings.

16. Perusal of the Inquiry Committee report indicates that under recommendation No. 3, the petitioners' representative himself has clearly accepted that the Petitioner has made illegal changes in the documents for monetary benefit; however, in order to avoid rendering Petitioner jobless and in the interest of his mental health, his representative recommended stoppage of three increments.

17. With respect to Charge No. 1, the Tribunal has considered the Minutes of Management meeting dated 17.09.1993 and Resolution No.2 by which Petitioner was appointed as Clerk along with other candidates. The Tribunal has considered the attendance list reflecting name of the Petitioner along with other candidates during interview. The other candidates who participated in the interview along with Petitioner, have deposed before the Inquiry Committee stating that Petitioner was present with them for the interview of 'Junior Clerk'. Tribunal has also considered muster roll of 1993. The Tribunal has considered verified entries of the monthly salary statement revealing that Petitioner did not get salary from September 1991 to September 1993 and his salary started from September 1993. The Tribunal has therefore found that as per the record, the Petitioner was not appointed in September 1991. Photocopies produced by the Petitioner are also considered by the tribunal. The Tribunal has held that on minute verification of the copies produced, even to the naked eyes, it appears that wherever year 1991 is written, some other numeric was already written which has been scratched and year 1991 is overwritten. The Tribunal has even held that the changes in size as well as writing type of the numerics appear to support overwriting. The Tribunal has

scrutinized the service book and has held that there are clear indications of changes in every year of the dates. Even in the service book, differences in numeric size and writing type has been found to be scratched and thereafter numerics are found to be written. Based on such appreciation of evidence, the Tribunal has confirmed the finding on Charge No. 1.

18. So far as Charge No. 2 is concerned, the Tribunal has considered the Resolution dated 14.07.2005 which is found to be a letter without any outward number on it. The Tribunal has considered applicable Rule of 12 years of service and the said copy of resolution has been disbelieved. The Tribunal has held that there is no proposal found to have been passed or sanctioned regarding fixation of pay scale in respect of the service of Petitioner. Based on such material, the finding on Charge No.2 has been confirmed.

19. So far as Charge No.3 is concerned, the Tribunal has clearly recorded that the scales stated in the salary statement of petitioner's wife with yearly increment are not even denied by the Petitioner. The Petitioner has not denied that he was preparing salary bills for the concerned period and extra amount has been paid to his wife. His only defence is that 'by mistake and inadvertence' extra amount has been paid to his wife. Such self-suiting convenient stand has been rightly rejected. It is recorded that Petitioner's wife admitted in her deposition that she has received excess amount which she is ready to pay back. Therefore, the finding on Charge No.3 is also rightly confirmed by the Tribunal.

20. So far as Charge No. 4 is concerned, the Tribunal has considered that the Petitioner in his own handwriting prepared proposal for fixation of pay scale to his wife and sent it to the concerned Education Officer. The Tribunal has also held that the educational qualification of Petitioner's wife is shown B.com, B.P Ed. It is rightly pointed out by learned counsel for the Respondent/Management that the educational qualification of Petitioner's wife will entitle her for 'only D.Ed scale', but B.Ed scale was paid. The

Tribunal has also found that there are some changes made in the years which fact has been admitted by Petitioner's wife. It is also found that when she was admitted as assistant teacher, she was appointed on D.Ed scale. In the teeth of such material, the finding on Charge No. 4 has been confirmed.

21. So far as last Charge No. 5 is concerned, The Tribunal has considered the deposition of Headmasters at the relevant time, Mr. Sapkal and R.B. Chavan who have deposed that the work of salary statement of employees, personal proposals, salary fixation and other works relating to the documents was being discharged by the Petitioner himself. Petitioner and her wife's muster roll from 01.08.1990 to 31.06.1992 and outward register for the year 1991 was not found.

22. The argument of learned counsel for the Petitioner that head master and higher authorities knew everything will not *ipso facto* render an illegal act pardonable. May be the earlier management was complacent in the act.

23. In the Inquiry Committee report, there is reference that committee has considered newspaper reports in *Dainik Sagar*, *Dainik Raigad Times* and *Dainik Raigad Nagari* along with legal notices and threat of self-immolation which has been considered as amounting to misconduct.

24. In the teeth of aforesaid material, the Inquiry Committee has found all the charges to be proved and has clearly recommended termination of the Petitioner, by majority. It has resulted in the order of termination.

25. Even on one charge being proved, the order of termination can be justified. In the present case, there are as many as 5 charges proved, out of which, for two charges, the judgment of acquittal has been relied upon. It is material to note that the order of acquittal was not in existence when the Tribunal decided the appeal. However, in the present case, it is not found that the order passed by the disciplinary Authority or its findings, duly confirmed by the Tribunal are either unjust, unfair or oppressive. In that view of the matter, the acquittal of the Petitioner from the criminal offences *per se*, would

not help the Petitioner in the peculiar facts narrated above in detail.

26. As held in **State Bank of India & Anr. Vs. K. S. Vishwanath (2022) 15 SCC 190**, and in **S. Sree Rama Rao (Supra)**, this Court, in writ jurisdiction, is not expected to sit as a Court of appeal over the Tribunal order or findings of inquiry committee by review of evidence, unless principles of natural justice are violated.

27. The Management is found to have followed the applicable Rules while conducting inquiry. It is categorically held that in Paragraph No. 38 of the impugned order that the Petitioner was given fair and reasonable opportunity to submit his case and lead evidence. However, the Petitioner himself refused and denied an opportunity and on being asked what he wants to submit, he has simply replied that 'he does not want to say anything, but he will say at the right place'. The Petitioner has also refused to depose anything. In such circumstances, no real prejudice is found to have been caused to the Petitioner during the inquiry proceedings.

28. Overall, this is not a fit case to interfere. The tribunal has taken most probable view based on the material available on the record. No perversity is found.

29. **Writ petition is accordingly dismissed. Rule is discharged. No orders as to costs.**

30. All concerned to act on duly authenticated or digitally signed QR verifiable copy of this order.

(M.M. SATHAYE, J.)