

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1787 OF 2014

Sharad Baburao Patil

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Bhausaheb S. Deshmukh, Advocate for the Petitioner.

Shri A. S. Shinde, A.G.P. for Respondent Nos. 1 to 3.

Shri B. S. Deokar, Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 16TH FEBRUARY, 2015.

PER COURT :

. Mr. Deshmukh, the learned counsel for the petitioner submits that, the petitioner was appointed as Assistant Teacher on 03rd September, 1997. The approval was granted to the appointment of the petitioner. The petitioner was terminated on 28.10.2003. The petitioner assailed the order of termination. The School Tribunal allowed the appeal, set aside the order of oral termination dated 28.10.2003. The respondent No. 4 reinstated the petitioner on the post of Assistant Teacher and all consequential benefits including continuity of service and difference in salary was ordered. The learned counsel submits that, the petitioner approached the respondent authorities for

implementation of the said order and to grant approval. The respondent granted approval with conditions and even ordered that the petitioner's service from 28.01.2003 to 24.03.2008 be considered as continuous service and be paid backwages. According to the learned counsel, the respondents negated the claim of the petitioner though directed by the School Tribunal.

2. The learned counsel for the management and the authority do not dispute the fact that, the order of the School Tribunal is not challenged.

3. The school tribunal has passed the following order.

ORDER

The appeal is allowed.

The order of oral termination dated 28.10.2003 of the appellant is hereby set aside.

The respondents are directed to reinstate the appellant on the post of Assistant Teacher within 40 days along with all consequential benefits including continuity of service and difference in salary.

No order as to costs.

4. It would be seen that, the petitioner has been granted continuity in service with all consequential benefits including

difference in salary. In the light of that, the appointment of the petitioner will have to be considered from 03.09.1997 as permanent employee and continuous one for the purpose of seniority and all other benefits. However, the petitioner is not awarded any backwages from the date of termination till the date of reinstatement. Except the said fact that the petitioner would not be entitled for the backwages from the date of termination till the date of order of School Tribunal, the petitioner is entitled for all other benefits such as continuity in service from the date of appointment of the petitioner with the respondent institution and the said service from the date of his appointment shall be counted for other benefits such as increment, fixation of pay and salary and all other retiral benefits.

5. The impugned order as such is set aside. The writ petition accordingly is disposed of with aforesaid observations and directions. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]