

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 2095 OF 2015

NARSINHA GAIBI GAWADE  
VERSUS  
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Kale Ajeet B.  
AGP for Respondent 1 : Shri Lokhande K.N.  
Advocate for Respondent 3 : Shri Irale Patil D.R.

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CORAM : RAVINDRA V. GHUGE, J.  
Dated: October 16, 2015  
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PER COURT :-

1. The only issue involved in this petition is as regards whether the petitioner was so gainfully employed, as to dis-entitle him to 75 percent of the backwages. Though the respondent Nos. 2 and 3 have not challenged the impugned judgment to the extent of backwages, Shri Patil learned Advocate submits that the matter can be remanded to the School Tribunal for considering as to whether the petitioner was gainfully employed and as to whether he is entitled for any portion of the backwages.

2. Shri Kale, learned Advocate for the petitioner submits that since the petitioner claims to be entitled for full backwages, the impugned judgment of the School Tribunal, dated 11.12.2014 can be set aside by consent, only to the extent of grant of backwages by keeping the issue open for a fresh decision.

3. In the light of the categoric statement made and which has been recorded as above, the impugned judgment dated 11.12.2014 is set aside by consent only to the extent of grant of 30% backwages. The litigating sides shall appear before the School Tribunal at Aurangabad on 6.11.2015 at 11.00 am. Formal notices need not be issued by the Tribunal.

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4. As both the parties have desired to file affidavits with documents, on the issue of, whether backwages should be granted or not, the School Tribunal shall consider such affidavits with documents, if any and shall decide the issue of grant of backwages.

5. In so far as the issue of reinstatement of the petitioner is concerned, the same has already been settled in the light of the petitioner having been reinstated in service. The School Tribunal shall decide the appeal as expeditiously as possible and preferably on/or before 30.4.2016, only to the extent of the claim for back wages.

6. This petition is, therefore, partly allowed, with consent.

( RAVINDRA V. GHUGE, J. )

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