

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2455 OF 2011
WITH
WRIT PETITION NO. 725 OF 2014

JAYSING DHONDIRAM YADAV
VERSUS
NAV MAHARASHTRA SHIKSHAN MANDAL

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Advocate for Petitioner : Shri Vaishali D.Jadhav
Advocate for Respondent : Shri R.N.Dhorde, Sr. Adv.
i/b Shri V.R.Dhorde

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 13, 2015
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PER COURT :-

1. After hearing these petitions for sometime, I had indicated to the litigating sides that the impugned judgment of the School Tribunal, dated 7.4.2010 in Appeal No.11 of 2009, needs to be set aside.
2. Learned Advocates for the respective parties in these two petitions, submit on instructions, that the said judgment be set aside with consent of the parties, provided a direction is issued to the University and College Tribunal to decide the appeal afresh on its own merits and by keeping contentions of the litigating sides open.
3. Smt. Jadhav, learned Advocate on behalf of the employee submits that two similarly situated appellants in Appeal No.8 of 2009 and Appeal No.12 of 2009, namely, Dr. Gajanan Vishnu Londhe and Sandeep Ramdas Palve have been reinstated by the employer - educational institution and are presently in employment. It is only the petitioner / employee in these petitions, who has been kept out of employment.
4. Shri Dhorde, learned Sr. Advocate submits that there are distinguishing features in between the case of the employees in these

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2
WRIT PETITION NO. 2455 OF 2011

petitions and the other two employees referred to by Smt. Jadhav. He further submits that both of them, namely, Dr. Gajanan Vishnu Londhe and Sandeep Ramdas Palve have given a written undertaking to the management, before this Court, that they would refrain from committing any misconduct in future. No such undertaking has been given by the employee in these petitions.

5. In the light of the above, the impugned judgment dated 7.4.2010 delivered by the Tribunal in Appeal No.11 of 2009 is set aside. The said Appeal is remitted back to the Tribunal for a fresh decision after hearing the litigating sides. All contentions are kept open including the contention that the other two employees have been treated differently by the management.

6. Since the Appeal is of the year 2009, the litigating sides shall appear before the Tribunal on 1.9.2015 and shall thereafter, shall participate in the proceedings as per the dates on which the matter is posted by the Tribunal. The Tribunal shall endeavour to decide the said Appeal, as expeditiously as possible, and preferably on/or before 30.1.2016.

(RAVINDRA V. GHUGE, J.)

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