

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6512 OF 2014**

Shri Dilavar Maula Mulani

....Petitioner.

Versus

The President,
Adarsh Education Society Rajewadi
& Ors.

...Respondents.

Ms. Archana Gaikwad, advocate for the Petitioner.

Mrs. Aparna Vhatkar, AGP for the respondent nos.3 and 4-State.

CORAM : M.S.SONAK, J.

DATED : January 19, 2015.

P.C.:

This petition is directed against the order dated 18.12.2013 made by the School Tribunal at Kolhapur to the extent it granted to the petitioner only 25% of back wages from the date of termination ie., 21.8.2012 till the date of the impugned order i.e., 18.12.2013.

2 The School Tribunal has noted that the petitioner had neither pleaded nor produced any document for establishing that the petitioner was not gainfully employed during the period. Further, the School Tribunal has also noted that the petitioner was alleged to have committed

misconduct and there is also criminal investigation pending against the petitioner. Noting that back wages are not to be granted as a matter of course, the School Tribunal has restricted payment of back wages only to 25%.

3 Looking to the facts and circumstances of the present case, it can not be said that approach of the School Tribunal has been unreasonable. Admittedly, impugned termination order came to be set aside on the ground that certain procedure with regard to the enquiry in the misconduct was not followed. School Tribunal itself has taken note of the circumstances that criminal investigation by the C.I.D., Crime Branch, Economic Offences Wing are pending against the petitioner. In such circumstances, the School Tribunal has rightly held that in all cases, entire back wages cannot be granted as a matter of course. No case is made for interference with the impugned order in exercise of the powers of judicial review. Accordingly, this petition is dismissed. There shall be no order as to costs.

(M.S.SONAK, J.)