

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

**WRIT PETITION NO.4194 OF 2005****Lokmanya Tilak Shikshan Sanstha Vs. Govind S/o Annarao  
Birajdar and others.****WITH****C.A.NO.5121 OF 2009****IN****W.P.NO.4194 OF 2005**

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| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders |
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Mr.R.N.Dhorde, Senior advocate i/by Mr.P.S.Dighe, advocate for the Petitioner.  
 Mr.V.H.Dighe, A.G.P. for the State.  
 Mr.A.S.Bayas, advocate for Respondent No.1.  
 Mr.R.V.Naiknavare, advocate for Respondent No.3 absent.

**CORAM : S.V.GANGAPURWALA AND  
N.W.SAMBRE, JJ.**

**Date : 15.09.2016.**

**PER COURT :**

1. Heard.
2. The present Respondent No.1 was appointed by the Respondent No.3 as a Shikshan Sevak. The Respondent No.1 was terminated by the petitioner. The Respondent No.1 approached the Grievance Committee. The Grievance Committee under its order dated 30.3.2005, directed the petitioner to reinstate the Respondent No.1 on or before 15.6.2005 and further consequential orders were

passed. The said order passed by the Grievance Committee dated 30.3.2005 is assailed in the present Writ Petition.

3. Amongst other contentions, Mr.Dhorde, learned Senior advocate for the petitioner submits that the Grievance Committee does not have jurisdiction to pass an order directing reinstatement. The only remedy with the Respondent No.1 against the order of termination is to approach the School Tribunal. The learned Senior advocate relies on the judgment of the Apex Court in the case of **“Secretary A.P.D.Jain Pathshala and others Vs. Shivaji Bhagwat More and others”** reported in (2011) 13 Supreme Court Cases 99.

4. Mr.Bayas, learned counsel for Respondent No.1 submits that after lapse of 15 years, the Respondent No.1 may not be directed to approach the School Tribunal. Due procedure of law was followed while appointing Respondent No.1.

5. We have heard learned A.G.P. also.

6. In view of the judgment of the Apex Court in the case of **“Secretary A.P.D. Jain Pathshala and others Vs. Shivaji Bhagwat More and others”** (supra) the issue that the Grievance Committee does not have such an authority and/or jurisdiction to direct reinstatement is no longer res-integra. The Grievance Committee can not be a quasi judicial forum and adjudicatory forum can not be created under the Executive orders.

7. The order of the Grievance Committee has been stayed by this Court under its interim order dated 8.9.2005.

8. Considering the judgment of the Apex Court, in a case of **“Secretary A.P.D.Jain Pathshala and others Vs. Shivaji Bhagwat More and others”** referred to supra, the impugned order can not sustain and is hereby set aside.

9. The Respondent No.1 is at liberty to approach appropriate forum challenging the order of his termination as may be permissible in law. In that case contentions of respective parties are kept open. The forum where the proceedings would be filed by the Respondent No.1, shall consider the time spent in prosecuting the proceedings before the Grievance Committee and the present petition.

10. In case the Respondent No.1 files some proceedings, the forum where the proceedings are filed shall endeavour to dispose of the same expeditiously, preferably within one (1) year of Appeal being filed after hearing all parties concerned and in accordance with law.

11. Rule accordingly made absolute in above terms. No costs.

12. In view of disposal of Writ Petition, the Civil Application also stands disposed of.

**( N . W . SAMBRE , J . )**

**( S . V . GANGAPURWALA , J . )**

Dt.15.09.2016.  
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