

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1013 OF 2017

The President, Malwan Education Society & Anr.	...Petitioners
Vs.	
Shri Rajendra Somala Pawar & Ors.	...Respondents

Mr.N.V. Walawalkar, Senior Advocate I/b. S.M.Sabrad for Petitioners.
Mr.Prashant Bhavake for Respondent No.1.
Ms.Vaishali Nimbalkar for Respondent Nos.2 and 3.

CORAM : S.C. GUPTE, J.

DATE : 20 JUNE 2018

P.C. :

After the matter is heard at some length, it is agreed between the parties that the petition can be disposed of in terms of the following order :

2 It is, accordingly, ordered as follows :

(I) The impugned order of the School Tribunal at Kolhapur dated 14 December 2016 is quashed and set aside.

(II) The order of termination dated 27 April 2015 passed by the Petitioner herein is also quashed and set aside.

(III) The Petitioners agree to reinstate Respondent No.1 to his original post with seniority, increment and continuity of service.

(IV) The Petitioners shall invest 30% of backwages ordered by the School Tribunal as compensation in a Fixed Deposit in a bank and shall hold the same subject to further orders that may be passed in the matter.

(V) The Petitioners will be at liberty to issue a fresh show cause notice, if found necessary, to Respondent No.1, who in turn shall have an opportunity to reply to the show cause notice. In case the Respondent's reply, if any, is not found satisfactory, the Petitioner management will be at liberty to hold a departmental enquiry in respect of the charges against Respondent No.1.

(VI) All rights and contentions of the parties on merits are kept open.

(S.C. GUPTE, J.)