

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

WRIT PETITION NO. 12776 OF 2016

Bharat Mahipat Shigavan

... Petitioner

Versus

Shri Gurukul Shikshan Prasarak Mandal
and others

... Respondents

....

Mr. Prashant Bhavake for the Petitioner.

Mr. Anantkumar L. Gore for Respondent Nos. 1 and 2.

....

CORAM : M. S. KARNIK, J.

DATE : 25th MARCH, 2019.

P. C.:

1. It is brought to my notice that the petitioner has completed his tenure as Shikshan Sevak during the period from 14/12/2012 to 13/12/2015 and from 14/12/2015 he is appointed as an Assistant Teacher in the regular pay scale.

2. In this view of the matter, the impugned order dated 06/08/2016 passed by the learned Presiding Officer, School Tribunal, Mumbai in Appeal No. 12 of 2016 will have to be set aside. The petitioner has now been declared surplus by order dated 04/01/2018. Thereafter, by order dated 31/01/2019 the petitioner is absorbed as an Assistant Teacher with R.H.M. Pandit Vidyalaya, saphale, Tq. Dist. Palghar.

3. Needless to mention that the petitioner would be entitled for payment of back wages. In this view of the matter, respondent Nos. 1 and 2 to submit payment bills of the petitioner seeking back wages with the concerned Government authorities, the same shall be considered on its own merits.

4. The writ petition is accordingly disposed of.

(M. S. KARNIK, J.)