

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8995 OF 2018

Shri Davkhar Anant Dharmaji & Ors. ...Petitioners

V/s.

The State of Maharashtra through
its Secretary & Ors. ...Respondents

Mr. N. V. Bandiwadekar for the Petitioners.

Mr. S. B. Kalel, AGP for Respondent-State.

Mr. P. G. Sabnis for the Respondent No.6.

CORAM : NITIN JAMDAR AND
C. V. BHADANG, JJ.

DATE : 25 March 2021

P.C.

. Heard the Learned Counsel for the Parties. None appears for Respondent Nos.4 and 5.

2. On 19 March 2021, after hearing the Parties at length, following order came to be passed.

. *The Petitioners 16 in numbers, who were working with the Respondent No.5 school run by Respondent No.4 Management, have sought a direction to remove the entry of termination made*

in service book of the Petitioners and other consequential reliefs. This relief is sought contending that though termination notices were issued, by the order passed by the Education Inspector, Chembur, in a hearing given on 29 April 2014, the notices were taken back and the Petitioners continued in services. Now, some of the Petitioners are retired and the other Petitioners are not getting their salary because of the entry of the termination.

2. When this petition came up before this Court on 4 April 2019, the President of Respondent No.4 Mr. Gajanan Dongre personally remained present and stated that he is not in a position to engage a lawyer. Thereafter, the Division Bench while permitting him to approach Legal Services Authority, if he satisfied the condition for grant of legal aid. It was observed that if no such steps are taken and Respondent No.4 does not engage a lawyer, the Court will proceed with the matter and the State was directed to file a reply.

3. The learned counsel for the Petitioners has brought to our notice the order passed in Writ Petition (L) No. 4014 of 2021, wherein the same President Mr. Gajanan Dongre has challenged the appointment of Administrator in the Respondent school. In the said petition, Shri. Dongre has engaged two Advocates on his own including a Senior Advocate.

4. As stated in the order dated 4 April 2019, if it is not satisfactorily placed before us that the order passed by the Education Inspector was modified or set aside and no reply is filed by the State, we will proceed to grant a relief as prayed for in the petition without further adjournment.

5. Stand over to 25 March 2021.

3. At that time, none appeared for Respondent Nos.4 and 5. Today, when the matter is specifically listed on board under the caption for directions, none appears for Respondent Nos.4 and 5. In light of, what has been observed in order dated 19 March 2021, Writ Petition is allowed in terms of prayer clause 'b' and 'd' which read thus-

b) – By a suitable writ, order or direction, this Hon'ble Court be pleased to direct the Respondent Nos.4 and 5 to immediately issue orders to withdraw the termination notices issued to the Petitioners on 31 May 2014; to delete / remove the entry "Termination" made in the service books of the Petitioners on 31 May 2014 and thereafter to provide up-to-date duplicate service books to the Petitioners by making relevant entries and endorsements and remarks up-to-date.

d) – By a suitable writ, order or direction, this Hon'ble Court be pleased to direct the Respondent Nos.4 and 5 to prepare and process the pension papers / files of the concerned Petitioners well in advance at the time of their retirement, without demanding any money from such Petitioners.

4. No order as to costs. Necessary action to be taken within a period of eight weeks from today.

(C. V. BHADANG, J.)

(NITIN JAMDAR, J.)