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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

908 WRIT PETITION NO.10772 OF 2022

**MINAKSHI MACHINDRA KOLI  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS  
SECRETARY AND OTHERS**

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Mr S. C. Swami, Advocate for petitioner;  
Mr S. G. Karlekar, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE  
AND  
SANJAY A. DESHMUKH, JJ.**

**DATE : 23rd November, 2022**

**PER COURT:**

1. On 10/11/2022, we had passed the following order :-

*“1. On 21.10.2022, we had passed the following order:-*

*“1. The petitioner has challenged her oral termination dated 08.01.2018 for the first time in any court by filing this petition before us, after a delay of four years and nine months.*

*2. The learned advocate for the petitioner desires to take instructions as to whether, the petitioner can waive back-wages so that though a belated challenge to the termination is raised the case of the petitioner may be considered.*

*3. Stand over to 10.11.2022 for “passing orders”.*”

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2. *The petitioner has placed before us an affidavit dated 10.11.2022 (4 pages) which is marked as “X-1” for identification. She makes a statement that considering the delay caused in challenging the oral termination, dated 08.01.2018, she is willing to waive all back-wages, if she is reinstatement in service with continuity.*

3. *The learned A.G.P. seeks time to take instructions.*

4. *List this petition on 23.11.2022 in the ‘passing orders’ category.”*

2. The petitioner relies upon a recent judgment delivered by the learned Co-ordinate Bench of this Court, dated 30/08/2022 in Writ Petition No.11009/2021, filed by Jayshree Vishwanath Bhale and others Vs. State of Maharashtra and others. The petitioner has already tendered an affidavit marked as ‘X-1’. She prays for an identical order as the one passed on 30/08/2022 in the case of Jayshree Vishwanath Bhale (supra).

3. The learned A.G.P. submits that, this Court has already taken a view in this matter.

4. In view of the above, this petition is partly allowed with the following directions :-

(a) The petitioner would be allowed to rejoin the services on the post, on which she was earlier working and she shall

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be continued on contractual basis until the scheme continues or until she attains the age of superannuation.

(b) We disallow the prayer of the petitioner for regularization in employment.

(c) The petitioner would not be terminated from service, subject to the above direction and which would not include any disciplinary action or any other contingency, as may be applicable.

(d) The respondents are at liberty to dispense with the service of the petitioner, by following the due procedure laid down in law, in relation to disciplinary action, misconduct, medical unfitness, etc.

(e) On the principle of “No Work - No Wages” and in the light of affidavit ‘X-1’, there shall be no payment of back-wages to the petitioner.

**(SANJAY A. DESHMUKH, J.)**

**(RAVINDRA V. GHUGE, J.)**

sjk