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

943 WRIT PETITION NO.12647 OF 2021

**YOGITA MURLIDHAR KASAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr D. R. Markad, Advocate h/f Mr A. N. Kakade, Advocate for petitioner;

Mr S. G. Sangle, A.G.P. for respondent No.1

Smt. C. S. Deshmukh, Advocate for respondent Nos.3 & 4

**CORAM : RAVINDRA V. GHUGE
AND
S. G. DIGE, JJ.**

DATE : 26th April, 2022

PER COURT:

1. The petitioner has put forth prayer clauses (B) and (C) as under :-

“B) That by issuing writ of mandamus or any other appropriate writ, order or directions in like nature, the respondent no’s 3 and 4 may kindly be directed to forward the proposal of the petitioner to the respondent no. 2 for grant of approval to her services as Assistant Teachere.

C) That by issuing writ of mandamus or any other appropriate writ, order or directions in like nature, the respondent no.4 may kindly be directed to release the back wages and also to pay her monthly salary of the petitioner regularly with consequential benefits.”

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2. We have considered the strenuous submissions of the learned Advocates for the respective sides.

3. The learned Advocate Smt. Deshmukh, appearing on behalf of respondent Nos.3 and 4 – Management, submits that a proposal in accordance with the provisions, would be submitted to respondent No.2, for consideration. All the details of the employment of the petitioner would be correctly mentioned in the said proposal.

4. We find from the record that, after the petitioner was orally/ otherwise terminated on 02/04/2019, she preferred an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, before the School Tribunal on 05/04/2019 and the said appeal was allowed by the Judgment dated 11/11/2020. Backwages and consequential benefits have been granted.

5. In view of the above and subject to any orders passed by any Court, respondent Nos.3 and 4 would forward the proposal of the petitioner to respondent No.2, complete in all respects, on or before 31/05/2022. Thereafter, respondent No.2 would consider

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the said proposal, strictly in accordance with the Rules applicable and thereafter, pass an order on the said proposal, in it's own merits, on or before 30/06/2022.

6. Needless to state, the Education Officer shall keep in view that the School Tribunal has granted reinstatement with continuity in service and backwages to the petitioner.

7. With the above directions, this petition is disposed off.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)

sjk