

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

WRIT PETITION NO. 10360 OF 2022

Sagar Madhukar Kumbhar ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

Mr. Prashant Bhavke for the Petitioner.
Mr. V.M. Mali, AGP for the State.

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, J.J.
DATED : 5th SEPTEMBER 2022**

P.C. :-

1. The Petitioner was appointed as a peon in the year 2004. The Petitioner was not granted approval. The services of the Petitioner were terminated. The Petitioner filed Appeal bearing No. 66 of 2018 before the School Tribunal, Kolhapur. The School Tribunal, Kolhapur, partly allowed the appeal and passed the following order.

ORDER

- “1. Appeal is partly allowed.*
- 2. The termination order dated 19.11.2018 is declared as illegal and improper and it is quashed and set aside.*
- 3. The Respondent Nos. 1 to 3 are directed to reinstate the Appellant to the original post with consequential benefits, seniority increment and continuity of services and implement this order within 40 days from the date of this order.*
- 4. The prayer in respect of full backwages is rejected.*

5. Parties to bear their own cost.”

2. Pursuant to the said order, Education Officer granted approval to the appointment of the Petitioner with effect from 02.07.2004. However, further passed an order that the Petitioner will not be entitled for salary from 18.11.2018 to 23.04.2019. Thereafter, proposal for issuance Shalarth Pranali was submitted. The Deputy Director of the Education while issuing the Shalarth ID, further observed that the Petitioner is not entitled for salary as per the order of the School Tribunal.

3. We have heard learned Counsel for the Petitioner and learned AGP.

4. It is manifest that the Deputy Director has misread the order passed by the School Tribunal. The School Tribunal has rejected the claim of the Petitioner for backwages. The backwages would be from the period the Petitioner was terminated till the Petitioner is reinstate. The Petitioner is not entitled for salary from 19.11.2018 to 24.04.2019. The Petitioner certainly be entitled for honorarium/salary from the date of his initial appointment i.e. 2004. The order of the Education Officer, approving services of the Petitioner rightly considered the said aspect.

5. In light of the above, the impugned order passed by the Deputy Director of Education to the extent that the Petitioner will not be entitled for salary from his date of appointment till 24.04.2019 is erroneous. It is clarified that the Petitioner

would be entitled for honorarium/salary from 02.07.2004 till 18.11.2018 and thereafter from 01.05.2019 till the date.

6. The Deputy Director of Education shall correct the order accordingly preferably within 3 months.

7. The Writ Petition is disposed of. No costs.

YUGANDHARA
SHARAD
PATIL

Digitally signed
by
YUGANDHARA
SHARAD PATIL
Date: 2022.09.12
17:18:51 +0530

(R.N.LADDHA, J.)

(S.V. GANGAPURWALA, J.)