

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2186 OF 2022

Indas Sardar Pawara

...Petitioner

Versus

State of Maharashtra

through Department of Education & Ors.

...Respondents

Mr.Chetan G. Patil for the Petitioner.

Mr.S.L. Babar, AGP for Respondent-State.

CORAM : S.V. GANGAPURWALA &
S.M. MODAK, JJ.

DATE : 7 JULY 2022

P.C:-

. Rule. Rule made returnable forthwith by consent of parties.

2. The services of the Petitioner are approved from 15-6-2012 but the salaries are directed to be paid from 7-4-2018.

3. The learned counsel submits that the Petitioner was appointed on 15-6-2012. The Management terminated the services of the Petitioner with effect from 31-07-2017. The Petitioner has filed an Appeal before the School Tribunal bearing Appeal No.51 of 2017, the same was allowed on

07-04-2018. The Petitioner was granted reinstatement with continuity of service, as such the services of Petitioner with regard to the payment of salary ought to have been counted from 15-6-2012.

4. The learned AGP submits that the order of termination was at the behest of the Management, the Government is not responsible for the same, as such the salary is directed to be paid from the date of the order of the Tribunal.

5. We have considered the submissions, the Deputy Director of the Education has come to conclusion that the Petitioner has joined services from 15-6-2012 as a Shikshan Sevak. Initially the Petitioner was appointed as a Shikshan Sevak on honorarium. Thereafter, would be entitled for the post of Assistant Teacher. The Petitioner was terminated on 31-7-2017. The Petitioner filed an appeal before the School Tribunal, the said Appeal came to be allowed. The order of termination is set aside and the Tribunal directed to reinstate the Petitioner with continuity of service, however, without back wages for the period 31-7-2017 to 7-4-2018. Forty days period was granted to reinstate the Petitioner. In light of that, the Petitioner will not be entitled for salary for the period, which the Tribunal denied to the Petitioner.

6. In light of above, the impugned order to the extent of directing payment of salary from 7-4-2018 is set aside. The Deputy Director of Education shall approve the Petitioner as a Shikshan Sevak for the period of three years from 15-6-2012 to 15-6-2015 on honorarium and from 16-6-2015 as an Assistant Teacher. The salary shall be payable to the Assistant Teacher from 16-6-2015. The Petitioner certainly will not be entitled for salary from 31-10-2017 till 30-04-2018.

7. The Management shall submit the salary bills accordingly and the concerned Respondent-Authorities shall release the salary accordingly.

8. Rule made absolute accordingly.

(S.M. MODAK, J.)

(S.V. GANGAPURWALA, J.)