

Pallavi

Digitally signed
by PALLAVI
MAHENDRA
WARGAONKAR
Date: 2022.11.17
18:21:00
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2376 OF 2022

Mangaon Taluka Education Society and Ors. ...Petitioners
Versus
Mr. Anil Jagannath Shinde and Ors. ...Respondents

Mr. C.G. Gavnekar i/b. Ashutosh Gavnekar for the
Petitioners.

Mr. Mihir Desai, Senior Advocate i/b. Chetan M. Mali,
for Respondent No.1.

Smt. M.S. Bane, AGP for the Respondent Nos.2 and 3 –
State.

CORAM: MADHAV J. JAMDAR, J.
DATE: NOVEMBER 17, 2022

P.C.:

1. Heard Mr. C.G. Gavnekar, learned counsel appearing for the
Petitioners, Mr. Mihir Desai, learned Senior Advocate for the
Respondent No.1 and Smt. M.S. Bane, AGP for Respondent Nos.2
and 3.

2. After hearing the matter for sometime, the Petitioners and
Respondent No.1 tender minutes of order. The said minutes of
order are signed for identification purpose by the President of
Petitioner No.1 - Institution and Respondent No.1 and also by
Advocate of the Petitioners and Respondent No.1. The President of

Petitioner No.1 and Respondent No.1 are present in Court today. They accept that minutes of orders are signed by them for identification purpose. The said minutes are taken on record and marked 'X' for identification purpose. The said minutes of order reads as under :

“MINUTES OF ORDER

1. The order and judgment of Ld. Presiding Officer, School Tribunal, Pune in Appeal No. 21 of 2020 dated 1st December 2021 annexed to Writ Petition at Exhibit “M” is hereby set aside;
2. The Respondent No.1's Application for VRS dated 26th September 2019 is to be treated as valid and effective from 27th December 2019;
3. The Respondent No.1 will be entitled to all monetary benefits as available upon Voluntary Retirement w.e.f. 27th December 2019;
4. The necessary pay bills/pension papers and all other documents for monetary and other entitlements of Respondent no.1 will be forwarded by Petitioners to the Education Department within 4 weeks from today;
5. The Education Department will accept Respondent No. 1's VRS Application and make disbursement including of arrears of pension within 4 weeks thereafter.
6. The Petitioners will ensure that any objections raised by the Education Department is cleared expeditiously and in any case within 2 weeks from communication.”

3. In view of above minutes of order, the impugned judgment and order dated 1st December 2021 passed by the learned Presiding Officer, School Tribunal, Pune in Appeal No.21 of 2020 is quashed and set aside.
4. Order in terms of aforesaid minutes of order.
5. It is clarified that the Respondent Nos.2 and 3 to take decision on the VRS application dated 26th September 2019 of the Respondent No.1 in accordance with law. The learned Advocate appearing for the Petitioners states that the VRS proposal along with pension papers of the Respondent No.1 will be forwarded to the Respondent No.2 within a period of four weeks from today. Respondent Nos.2 and 3 to take decision on said proposal in accordance with law within a period of four months from the receipt of such proposal.
6. Writ petition is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)