

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.2859 OF 2020

Rajesh s/o Bhaurao Jadhav
Aged about 44 years, Occu: Service,
R/o Kenwad, Tah. Risod,
Dist. Washim. **PETITIONER**

...V E R S U S...

1. Shri Dnyaneshwar Adiwasi Va
Magaswargiya Shikshan Prasarak
Mandal, Kenwad, Tq. Risod,
Dist. Washim, through its President.
2. Om Nam Shivay Vishwa Adiwasi
Prathmik and Madhyamik Ashram
School, Kenwad, Tah. Risod,
Dist. Washim, through its Headmaster.
3. Project Officer, Integrated Tribal
Development Project, Akola,
Dist. Akola. **RESPONDENTS**

Mr. P. B. Patil, Advocate for Petitioner.
Mr. G. G. Mishra, Advocate for Respondents 1 & 2.
Ms. Tajwar Khan, AGP for Respondent 3/State.

CORAM: **ROHIT B. DEO, J.**
DATE: **5th JANUARY, 2022.**

ORAL JUDGMENT:

Heard Mr. P. B. Patil, the learned Counsel for the
petitioner, Mr. G. G. Mishra, the learned Counsel for the
respondents 1 and 2 and Ms. Tajwar Khan, the learned Assistant

Government Pleader for the respondent 3.

2. Rule.

3. With consent, the petition is finally heard at the admission stage.

4. The petitioner has preferred Appeal 24/2020 challenging the termination notice dated 30.09.2020.

5. The petitioner applied for stay to the termination notice, the Tribunal did not oblige, and the petitioner is assailing the order of rejection of stay.

6. The learned AGP Ms. Khan points out that the management and the employee share a common perspective and are hand in gloves.

7. The learned counsel for the petitioner Mr. Patil would refute the said submission.

8. I have perused the order impugned.

9. I am consciously refraining from making any observation on the merits of the rival contentions since all that is assailed is an interim order refusing stay.

10. However, the public exchequer must not be taxed. While the petitioner may continue working with the management till the final decision in appeal, it is made clear that the State Government shall not be responsible for the payment of the salary. The liability of the State Government to release the grant shall be dependent on the findings ultimately recorded by the Tribunal while deciding the appeal.

11. The Tribunal is requested to finally decide the appeal as early as possible and in any event within the next nine months.

12. The petition is disposed of.

13. All pending applications are also disposed of.

JUDGE