



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

**INTERIM APPLICATION NO. 13459 OF 2023
IN
REVIEW PETITION (ST) NO. 15591 OF 2023
IN
WRIT PETITION NO. 1851 OF 2018**

Shankar Gopal Umrani ...Applicant
Versus
Sangli Shikshan Sanstha, Sangli & ors. ...Respondents

Mr. Satyajeet Rajeshirke, for the Applicant.
Mr. N. H. Bandiwadekar, Senior Advocate, i/b Ms. Manjiri
Parasnis, for the Petitioner.
Mrs. V. S. Nimbalkar, AGP for the State/Respondent No.3.

**CORAM: N. J. JAMADAR, J.
DATED: 3rd October, 2023**

PC:-

1. Heard Mr. Rajeshirke, the learned Counsel for the applicant and Mr. Bandiwadekar, the learned Senior Advocate for the respondent/original petitioner in WP/1851/2018.
2. For the reasons ascribed in the IA/13459/2023 and in order to advance the cause of substantive justice, the delay in preferring review petition stands condoned.
3. IA/13459/2023 stands disposed.
4. The learned Counsel for the applicant - review petitioner - original respondent No.1 submits that when

WP/1851/2018 was decided by this Court, it was not brought to the notice of this Court that respondent No.1 – employee had already retired on account of superannuation. After the petition came to be dismissed by this Court by order dated 3rd April, 2023, the management has initiated enquiry against respondent No.1 – employee, which is not permissible in law. It was submitted that the management is banking upon the observations of this Court in paragraphs 26 and 27 of the judgment dated 3rd April, 2023, wherein this Court upheld the consequential directions of the School Tribunal directing the management to conduct the enquiry from the point it stood vitiated, reinstate respondent No.1 notionally for the purpose of conducting enquiry and treat respondent No.1 to be under suspension and pay the subsistence allowance.

5. It is imperative to note that this Court dismissed WP/1851/2018 while upholding the order passed by the learned Presiding Officer, School Tribunal, which was assailed in the petition. The aforesaid observations in paragraphs 26 and 27 were restricted to deciding the legality, propriety and correctness of the directions issued by the School Tribunal to hold enquiry from the point it stood vitiated. The said directions do not imply that this Court has

approved the action of the management of conducting enquiry after the retirement of respondent No.1 – employee.

6. If respondent No.1 – employee, petitioner in the review petition, is aggrieved by the said course, remedies are open to him by instituting appropriate proceedings before the appropriate forum. The observations in paragraphs 26 and 27 will not preclude respondent No.1 – employee from agitating the said grievance.

7. With the aforesaid clarification, the review petition stands disposed.

[N. J. JAMADAR, J.]