

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

**INTERIM APPLICATION NO.10252 OF 2022
IN
WRIT PETITION NO.7971 OF 2022**

Tanaji Tukaram Pandhare

... Applicant

Versus

The Secretary Mandesh Education Society And Anr.

... Respondents

...

Mr. I. M. Khairdi, for Applicant.

Ms. Pranita Hingmire for Respondent Nos.1 & 2.

Mr. P. P. Pujari, AGP for Respondent-State.

...

CORAM : SANDEEP V. MARNE, J.

DATE : 07 DECEMBER 2023.

P. C.:

. By this petition Petitioner challenges Judgment and Order dated 27 January 2020 passed by the School Tribunal, Solapur dismissing Appeal No.93 of 2018. Perusal of the Order passed by the School Tribunal would indicate that the Tribunal has refused to believe that the Petitioner was in employment of the school. It has accused Petitioner of not producing muster roll or the service book during the period from 15 June 2009 to 2012 in order to demonstrate that he was actually working with the school. During pendency of the present petition, Petitioner has filed Interim Application No.10252 of 2022 seeking to produce several documents apparently received by him under

the Right to Information Act 2005. Some of the documents, signed by the Respondent-Management, reflects Petitioner's name on various documents, thereby *prima facie* indicating that Petitioner was in the employment of the Respondent-Management.

2. The learned counsel appearing for Respondent-Management would point out that relevant issue before the School Tribunal was whether Petitioner was appointed as Shikshan Sevak. That none of the documents sought to be produced alongwith Interim Application would indicate that initially Petitioner was appointed as Shikshan Sevak. She would further submit that services of the Petitioner may have been utilized by the management on clock hour basis as and when required. But the same would not convert the nature of his appointment as Shikshan Sevak.

3. Be that as it may. It appears that Tribunal has proceeded to dismiss Appeal filed by the Petitioner by assuming that he could not produce any documents to prove actual rendering of services with the Respondent-Management. It would be appropriate if the Tribunal applies its mind to various documents produced by the Petitioner alongwith Interim Application. For that purpose, Order passed by the School Tribunal is required to be set aside.

4. The petition is accordingly disposed of by setting aside the Judgment and Order dated 27 January 2020 passed by the Presiding Officer, School Tribunal, Solapur. Appeal No.53 of 2018 filed by the

Petition shall stand restored on the file of School Tribunal, Solapur. Petitioner shall be granted opportunity to produce all the documents that he desires to rely upon. The school Tribunal shall proceed to decide the Appeal uninfluenced by any of the observations recorded in the impugned Order dated 22 January 2020. Since the petition is remanded at the instance of the Petitioner, and without any fault of the Respondent-Management, in ordinary course this Court would be justified in imposing costs on the Petitioner. However considering the fact that Petitioner is out of services for considerable period of time, costs are made easy.

5. Writ Petition is accordingly disposed of. Since the Writ Petition is disposed of, nothing survives in the Interim Application and it is also disposed of.

SANDEEP V. MARNE, J.

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