

Arjun

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

WRIT PETITION NO.88 OF 2023

Sangmeshwar Education Trust ...Petitioners
Through its President
Mr. K. B. Patil & Ors.

V/s.

Mrs. Madhuri Sachin Bobade & Ors. ...Respondents

**WITH
WRIT PETITION (ST) NO.6013 OF 2023**

Mrs. Sharmili Sudam Godage ...Petitioner

V/s.

State of Maharashtra & Ors. ...Respondents

**WITH
WRIT PETITION (ST) NO.6015 OF 2023**

Madhuri Sachin Bobade ...Petitioner

V/s.

State of Maharashtra & Ors. ...Respondents

**WITH
WRIT PETITION NO.15448 OF 2022**

Sangmeshwar Education Trust ...Petitioners
Through its President
Mr. K. B. Patil & Ors.

V/s.

Mrs. Sharmila Sudam Gudage & Ors. ...Respondents

**WITH
WRIT PETITION NO.89 OF 2023**

Sangmeshwar Education Trust ...Petitioners
Through its President
Mr. K. B. Patil & Ors.

V/s.

Mrs. Surekha Dadasaheb Mane & Ors. ...Respondents

**WITH
WRIT PETITION NO.94 OF 2023**

Sangmeshwar Education Trust ...Petitioners
Through its President
Mr. K. B. Patil & Ors.

V/s.

Mrs. Seema Sanjay Shirke & Ors. ...Respondents

**WITH
WRIT PETITION NO.90 OF 2023**

Sangmeshwar Education Trust ...Petitioners
Through its President
Mr. K. B. Patil & Ors.

V/s.

Mrs. Laxmi Umesh Ande & Ors. ...Respondents

**WITH
WRIT PETITION NO.93 OF 2023**

Sangmeshwar Education Trust ...Petitioners
Through its President
Mr. K. B. Patil & Ors.

V/s.

Mrs. Dipali Gaurang Patil & Ors.

...Respondents

**WITH
WRIT PETITION NO.13681 OF 2022**

Sangmeshwar Education Trust
Through its President
Mr. K. B. Patil & Ors.

...Petitioners

V/s.

Mr. Nivrutti Shankar Tapkir & Ors.

...Respondents

Mr. Ashok T. Gade a/w Riya John, for the Petitioners in WP/88/2023, WP/15448/2022, WP/89/2023, WP/94/2023, WP/90/2023, WP/93/2023 & WP/13681/2022.

Mr. Rahul Kadam, for the Petitioners in WP(St)/6013/2023 & WP(St)/6015/2023 and for the Respondent No.1 in WP/88/2023, WP/15448/2022, WP/89/2023, WP/94/2023, WP/90/2023, WP/93/2023 & WP/13681/2022.

Mr. P. P. Pujari, AGP, for the Respondent-State in all the matters.

Mr. Kiran Naganasure-Administrative Incharge of Petitioner-Trust, present.

**CORAM : MADHAV J. JAMDAR, J.
DATED : OCTOBER 11, 2023**

P.C.:

1. Heard Mr. Gade, learned counsel appearing for the Petitioners in seven Writ Petitions and Mr. Kadam, learned counsel appearing for the Petitioners in other two Writ Petitions i.e. Writ Petition (St) No.6013 of 2023 and Writ Petition (St)

No.6015 of 2023.

2. The challenge in these Writ Petitions is to the legality and validity of the order dated 7th April 2022 passed by the learned Presiding Officer, School Tribunal, Pune in Appeals filed by respective Respondent No.1. The details of the Writ Petitions and the respective Appeals in tabular form is set out herein below for ready reference :

Sr. No.	Writ Petition No.	Appeal No. Before the School Tribunal
1.	88 of 2023	13 of 2021
2.	15448 of 2022	12 of 2021
3.	89 of 2023	17 of 2021
4.	94 of 2023	16 of 2021
5.	90 of 2023	14 of 2021
6.	93 of 2023	15 of 2021
7.	13681 of 2022	18 of 2021

3. The challenge in the above Appeals was to the oral/ otherwise termination order dated 8th February 2021. The learned Presiding Officer, School Tribunal, Pune has quashed and set aside the oral/otherwise termination order dated 8th February 2021 and directed to reinstate all the respective Respondent No.1 along with payment of 50% back wages and continuity of service. One of the ground on which the said order was passed was that there is no enquiry conducted before terminating the respective Respondent No.1.

4. In view of this position, President of the Petitioner-Trust has filed additional affidavit dated 10th October 2023 *inter alia* contending that the Petitioners will reinstate the respective Respondent No.1 with immediate effect without prejudice to the rights of the Petitioners to conduct an enquiry in the context of show cause notice dated 13th October 2020 as per the provisions of the law and, accordingly, seeks withdrawal of the Writ Petitions with liberty to conduct the de-novo departmental enquiry against the respective Respondent No.1 in furtherance of the show cause notice dated 13th October 2020. Accordingly, the Petitioners give up challenge to the direction of the learned Presiding Officer, School Tribunal, Pune directing reinstatement by setting aside the oral otherwise termination order dated 8th February 2021.

5. Mr. Gade, learned counsel appearing for the Petitioners on the basis of instructions given by the Petitioners states that, if after conducting enquiry it is found that there is no substance in the allegations made against the respective Respondent No.1, then they will pay 50% back wages in terms of the order passed by the learned Presiding Officer, School Tribunal, Pune.

6. Learned counsel appearing for the Respondent No.1 on instructions has no objection for the said course of action.

7. Accordingly, the Writ Petitions are allowed to be withdrawn and dismissed as such.

8. However, it is clarified that the Petitioners can conduct the enquiry on the basis of show cause notice dated 13th October 2020 after giving full opportunity to the respective Respondent No.1 and in accordance with law.

9. It is further clarified that the Petitioners will comply with the direction issued by the learned Presiding Officer, School Tribunal, Pune dated 7th April 2022 directing payment of 50% back wages if no substance is found in the allegations mentioned in the show cause notice dated 13th October 2020.

10. The respective Respondent No.1 in all the Writ Petitions will be reinstated in the service on or before 28th October 2023 and the salary of the respective Respondent No.1 will be paid on time.

11. Mr. Gade, learned counsel appearing for the Petitioners states that as far as the Respondent No.1 in the Writ Petition No.13681 of 2022 is concerned, no show cause notice is issued to him. He states that, therefore, show cause notice will be issued to him and the enquiry will be conducted by giving proper opportunity.

12. Accordingly, the Writ Petitions challenging the said order dated 7th April 2022 are dismissed. However, the impugned order of the learned Presiding Officer, School Tribunal, Pune is modified to above extent.

13. In view of this order, nothing survives in the Writ Petition

(St) No.6013 of 2023 and Writ Petition (St) No.6015 of 2023 and the same are also disposed of.

[MADHAV J. JAMDAR, J.]