



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

41 WRIT PETITION NO. 5456 OF 2024

PRATIBHA YASHWANT SALVE
VERSUS
THE SECRETARY MAHATMA PHULE VIDYAPRASARAK
SANSTHA AND OTHERS

...
Advocate for the Petitioner : Mr. R.D. Khadap h/f Mr. Marwadi
Khushbu Ghanashyam
AGP for Respondents/State : Mr. S.M.Ganachari
Advocate for Respondent No. 1 : Mr. Amol S. Mali h/f Mr. Bagul
Dnyaneshwar Suresh
...

CORAM : KISHORE C. SANT, J.

DATE : 16.10.2024.

PER COURT :

1. This petition is against the order passed by the learned Presiding Officer, School Tribunal, Nashik dated 26.10.2023. The learned Presiding Officer by impugned order refused to record compromise between the petitioner and respondent Nos. 1, 2 and 3 i.e. the Management.

2. The facts in short are that the petitioner came to be

terminated by order dated 28.04.2021 passed by respondent No. 1 Mahatma Phule Vidya Prasarak Sanstha, Pimpalner, Dist. Dhule. The petitioner challenged the said order by filing an appeal before the School Tribunal, Nashik. During pendency of the appeal the petitioner and respondent Nos. 1 and 3 arrived at compromise and the terms of compromise were reduced into writing and produced before the learned Tribunal. The learned Tribunal however, refused to accept the terms of compromise for the reasons that the present respondent Nos. 3 and 4 who are parties to the appeal have not signed the compromise.

3. Learned Advocate for the petitioner submits that the order of termination was passed by respondent No. 1. Respondent Nos. 3 and 4 were added as necessary parties as the Management & the School are controlled by Respondent Nos. 3 & 4 therein being Government authorities. In the terms and conditions there is nothing which would bind or which would put any liability on those authorities. The attention is invited to Clause No. 3 of the compromise terms dated 31.03.2022. As per Clause-3 it is agreed that the Management would send the proposal for salary of the petitioner from

28.04.2021, till she is reinstated. It is further made clear that in case the salary grants are not paid or allowed by respondent Nos. 3 and 4 in that case it is the Management i.e. respondent No. 1 who would pay the salary and other pecuniary benefits to the petitioner. He thus, submits that on entering into the compromise no prejudice would be caused to the respondent Nos. 3 and 4. He thus prays for setting aside the impugned order and to dispose off the appeal pending before the tribunal in terms of compromise.

4. Learned AGP though resisted the petition saying that the liability would come on the Government in view of the compromise.

5. Considering above this Court finds that the petition can be disposed off by accepting the compromise pursis filed in Appeal No. 16 of 2021 dated 31.03.2022 signed by the appellant and respondent Nos. 1 and 2 jointly. Hence the following order :

ORDER

- (i) The Writ Petition stands allowed.
- (ii) The impugned order dated 26.10.2023

passed by the learned Presiding Officer, School Tribunal, Nashik in Appeal No. 16 of 2022 is quashed and set aside.

(iii) The compromise entered into between the petitioner and respondent Nos. 1 & 2 is accepted.

(iv) The Appeal No. 16 of 2021 pending before the School Tribunal stands disposed off in view of the compromise pursis.

(v) It is made clear that the authorities i.e. respondent Nos. 3, 4 and 5 are to take decision on the proposal in respect of salary and other pecuniary benefits of the petitioner.

(vi) If proposal is not accepted by the authorities it is for the Management to pay the salary and other benefits to the petitioner.

(vii) With this the Writ Petition is disposed.

**(KISHORE C. SANT)
JUDGE**

mahajansb/