



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

217 WRIT PETITION NO. 10397 OF 2022
WITH
WRIT PETITION NO. 10398 OF 2022
WITH
WRIT PETITION NO. 10399 OF 2022
WITH
WRIT PETITION NO. 10400 OF 2022

RAJENDRA JANARDAN BAVISKAR
VERSUS
PASCHIM KHANDESH BHAGINI SEVA MANDAL THROUGH
PRESIDENT AND OTHER

...
Advocate for the Petitioner : Mr. Dharurkar Chaitanya V.
AGP for Respondents/State : Mr. S.B.Jadhav
Advocate for Respondent Nos. 1 & 2 : Mr. Shah Mohit S.

...

CORAM : KISHORE C. SANT, J.

DATE : 23rd SEPTEMBER, 2024.

PER COURT :

1. Heard the parties. By consent of the parties taken for final disposal as the issue involved is very limited.
2. The petitioners by way of these petitions have challenged judgments in appeal Nos. 21 of 2018, 24 of 2018, 22 of 2018 and 23 of 2018 respectively passed by the learned

Presiding Officer, School Tribunal, Nashik Region, Nashik on dated 29.08.2022.

3. The facts involved in all these petitions are identical & therefore, are discussed in common. That all the petitioners were working with respondent Nos. 1 & 2. Respondent Nos. 1 & 2 runs Vocational Education and Training School, at Dhule. In view of reduction of students & work, they were given three months notices of termination. Said notices were challenged before this Court. The learned President of the School Tribunal, Nashik in paragraph No. 12 of the judgment clearly recorded that the notices issued to the petitioners were not the orders of termination and were merely notices for retrenchment and rejected appeals holding that there is no cause of action. It is a matter of record that all these petitioners were working in different institutions after the School Tribunal granted initial protection pending appeals and there is no dispute about the same. All the petitioners have also retired due to attaining age of superannuation except the petitioner in Writ Petition No. 10398 of 2022.

4. In view of the above facts prayer in Clause (C) in all

the petitions reads as under (except number of appeal typed in bold) :

*“By issuing a writ of certiorari or any other writ of like nature, the judgment and order dated 29.08.2022 (Exhibit-J) passed by the Ld. Presiding Officer, School Tribunal, Nashik in Appeal No. **21 of 2018** may kindly be quashed and set aside and instead the Appeal No. **21/2018** filed by the Petitioner may kindly be allowed and by issuing appropriate directions the Respondent Nos. 1 & 2 may kindly be directed to reinstate the Petitioner to his original post with back wages from the date of his termination till the date of his reinstatement at R.2 college, excluding the wages received towards the period for which he has performed his duties at the alternative college on deputation.”*

5. The petitioners are thus seeking two reliefs firstly reinstatement and secondly back wages from the date of alleged termination till the date of reinstatement.

6. Thus considering these prayer, in view of the facts stated earlier, it is clear that except petitioner in Writ Petition No. 10398 of 2022, all other petitioners have attained the age of superannuation and till their date of superannuation they were working in different institutions and were drawing salaries from

respondent Nos. 1 & 2. Thus, as on today both these reliefs do not survive. Now their grievance is only in respect of pensionary benefits.

7. It is submitted by the learned AGP for respondents/State that because of pendency of these petitions provisional pensions were not given to the respective petitioners. The proposal for their regular pension cannot be sent because of the technical difficulties. Learned AGP however, submits that because of some difficulties and technical issues said are sent back respondent Nos. 1 & 2 and those issues are now also completed with submission of respondent Nos.1 and 2.

8. Considering above facts and submissions in Writ Petition Nos. 10397 of 2022, 10399 of 2022 and 10400 of 2022, can be conveniently disposed off by confirming findings recorded in paragraph No. 12 of the impugned judgment of the School Tribunal, Nashik. The authorities are free to forward pension proposals of the petitioners. It is submitted that respondent Nos. 1 & 2 have already sent pension proposals.

9. In view of the above the petitions can be conveniently dispose off. The authorities are directed to send the pension

proposals of the above petitioners in in above petitions as early possible.

10. So far as Writ Petition No. 10398 of 2022 is concerned, it is reported that the petitioners in this petition are going to retire in January, 2025. In her case, though she is also in the service, in view of interim order passed by the School Tribunal, the same is continued by this Court as she is already in service. Therefore, her petition can also be disposed off by confirming findings recorded in paragraph No. 12 of the School Tribunal. She is already in service. Now there is no question of any further relief. Therefore, even her petition also can be disposed off. Authorities may take appropriate action after her retirement and send proposal for her pension in time. Needless to state that proposal be send as per rules.

11. With this, the Writ Petitions stand disposed off.

(KISHORE C. SANT)
JUDGE

mahajansb/