

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

WRIT PETITION NO. 3786 OF 2024

Shankar Gopal Umrani

...Petitioner

Versus

The State of Maharashtra and Others

...Respondents

.....

Mr.S.A.Rajeshirke with Mr.Gautam R. Kulkarni for the Petitioner.

Ms.Pooja Joshi Deshpande, AGP for the Respondent -State.

Ms.Manjiri S.Parasnis for Respondent No.6.

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**CORAM : NITIN JAMDAR AND
M.M.SATHAYE, JJ.**

DATE : 17 APRIL 2024

P.C. :

1. In the year 1992, the Petitioner was appointed as an Assistant Teacher in Respondent No.6's school. The list of dates and events would show that from the year 1992 till 2024, several proceedings have taken place regarding *inter-se* dispute between the Petitioner and Respondent No. 6— private school. The Petitioner has crossed the age of superannuation on 31 May 2021 and the issue now is in respect of releasing the amount of the pensionary benefits, if the Petitioner is eligible.

2. The claim of the Petitioner regarding pensionary benefits is resisted by Respondent No. 6- private school on the ground that the

Petitioner's services were terminated. This fact is contested by the learned Counsel for the Petitioner stating that though the Petitioner was terminated earlier, the order was set aside by the School Tribunal granting liberty to Respondent No.6 – private school to conduct a fresh enquiry. In these circumstances, the Petitioner crossed the age of superannuation.

3. Ordinarily, the proposal for pensionary benefits is sent by Respondent No.6-private school. However, in this case, Respondent No. 6- private school for the reasons stated above is refusing to send the proposal. Various questions would arise for entailing the enquiry into *inter- se* dispute between the Petitioner and Respondent No.6-private school. The pensionary benefits are to be disbursed by the State Government.

4. In these circumstances, we permit the Petitioner to approach the Education Officer (Secondary), Zilla Parishad, Sangli with necessary application/ proposal regarding disbursement of the pensionary benefits, if not already applied. The Education Officer will give an opportunity to both the Petitioner as well as Respondent No.6- private school and pass necessary orders as to whether the Petitioner is entitled to pensionary benefits or not. If the Education Officer comes to the conclusion that the Petitioner is entitled to pensionary benefits, then necessary orders in that regard be passed. The Education Officer, after giving an opportunity to the Petitioner

and Respondent No.6 – private school, will pass a reasoned order within a period of twelve weeks from today, subject to earlier bound directions and pressing public duties.

5. Writ petition is disposed of in above terms.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)