

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

WRIT PETITION NO. 3096 OF 2020

Raosaheb Mahadev Sathe

....Petitioner

Versus

The State of Maharashtra and Ors.

.... Respondents

YUGANDHARA
SHARAD
PATIL

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by
YUGANDHARA
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Mr. Rahul Khot , for the Petitioner.

Ms. Rupali Shinde AGP for Respondent Nos. 1 and 2.

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

DATE : 23 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner-Employee, who was working as teacher with Respondent No. 3 School run by Respondent No. 4 Management, is challenging clause 9 of the order dated 13 April, 2018 passed by Respondent No. 2 - Education Officer (Secondary), Zilla Parishad, Solapur. By said clause of the impugned order, it is held that difference in salary and other benefits payable to Petitioner for the period from 21.07.2000 to 31.12.2017 is not payable. Learned counsel for the Petitioner states on instructions that Respondent Nos.3 & 4 are supporting the cause of the Petitioner till today. We

proceed on the basis of said statement.

3. It is submitted that during pendency of the petition, the Petitioner has retired on 31.05.2021 and now he is also seeking a direction that his pension proposal may be sent for approval. It is urged that had an opportunity been given, the Petitioner and Respondent-Management would have given appropriate and necessary explanation about clause 9 of the impugned order.

4. Respondent-Education Officer has directly passed order in terms of said clause 9, without informing it and calling upon the Petitioner or Education Institute to give explanation. This has resulted in a situation where inquiry about the reason behind said clause 9 of the impugned order is required to be done first time in this Court.

5. In the fact situation narrated above, we deem it appropriate to dispose of this petition by directing that clause 9 of the order dated 13 April, 2018 will be treated as notice to Respondent - Educational Institute of the proposed ground of rejection. The Petitioner's proposal stands restored to that extent. If there are any other grounds on which the Respondent 2 Education Officer intends to pass direction in terms of said clause 9, he is directed to communicate the same to the Respondent-Educational Institute within a period of 3 weeks from today.

6. The Respondent Educational Institute shall thereafter submit its explanation about clause 9 of the order dated 13 April, 2018, and pension proposal of the Petitioner, along with supporting material including government resolutions, case laws / orders of this Court etc. if relied upon. The Respondent - Education Officer is directed to decide the proposal (both about said clause 9 and pension) thereafter within a period of 8 weeks, by dealing with the explanation given by the Educational Institute as also dealing with case law/orders of this Court, by passing a reasoned order, subject to other time bound directions.

7. We have not expressed any opinion on the Petitioner's proposals and the same shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent-Education Officer decides to grant proposal as prayed, the aforesaid procedure/directions will not apply.

8. The writ petition is disposed of in the aforesaid terms.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)