



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.2701/2024

nikant V Headmaster, Prabhudayal Saluja Prathamik Vidyalaya, Sahapur and
others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Manoj Kumar Mishra, Advocate for petitioner.
Ms. Yoshita V. Paliwal, Advocate for respondent nos.1 and 3.
Mr. R.S. Khobragade, Advocate for respondent no.2.
Mrs. R.B. Dhore, Advocate for respondent no.4.

CORAM : N.R. Borkar, J.

DATE : 12-12-2024.

This petition takes exception to the order dated 20-03-2017 passed by the learned School Tribunal, Nagpur in Appeal STN No.69/2011.

ii. The petitioner was working as a Assistant Teacher with the respondent no.1 School. He had filed appeal against the order of termination dated 16/08/2024.

iii. By the order impugned, the learned School Tribunal has allowed the appeal. The operative part of the order passed by the learned School Tribunal reads thus "-

"1. Appeal is partly allowed.

2. The termination order dated 16/08/2011 w.e.f. 17/08/2011 is hereby quashed and set aside.

3. *The respondent No.2 is hereby directed to reinstate the appellant in service along with continuity as per Rules within 30 days, from the date of this order.*
4. *Appellant is not entitled for back wages.*
5. *Parties do bear their own costs.*
6. *Dictated on computer and pronounced in open Court."*

iv. The challenge in this petition to the order of the School Tribunal is to the extent of denial of back wages.

v. I have heard the learned counsel for the parties.

vi. The very same order of the School Tribunal was challenged by the Respondent No. 3 herein before this Court in W.P. No. 2646/2017. This Court by order dated 17-10-2019 while declining to interfere in the order passed by the learned School Tribunal has observed as under :-

"9. While directing reinstatement of the first respondent the relief of back-wages has been denied. That direction has not been challenged by the first respondent. In that view of the matter, it is found that the learned Presiding Officer has after considering the entire material on record rightly allowed the appeal filed under Section 9 of the said Act. The impugned judgment does not call for any interference in writ

jurisdiction. The writ petition is accordingly dismissed with no orders as to costs."

vii. The order passed by this Court was challenged before the Hon'ble Supreme Court by respondent no.3 and the Hon'ble Supreme Court by order dated 7/7/2023 in petition for special leave to Appeal No. 29667/2019 has declined to interfere with the order passed by this Court.

viii. Perusal of the order passed by this Court dated 17/10/2019 would show that, one of the considerations for not interfering with the order of the School Tribunal was denial of back wages. In that view of the matter, it would not be justifiable to entertain the present petition that too after eight years of the passing of the order by the School Tribunal.

ix. The petition is dismissed.

(N.R. Borkar, J.)