



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

Writ Petition No.513 of 2024

[Ku. Vandana Nilkanthrao Chirwatkar (Sau. Vandana Nashikrao Mate) **VERSUS** Chief
Executive Officer, Zilla Parishad, Nagpur and another]

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

Court's or Judge's order

Shri S.R. Narnaware, Counsel for Petitioner.
Shri G.G. Mishra, Counsel for Respondents.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 20th JUNE, 2024

P. C. :

1. Heard the learned counsel appearing for the parties.

2. The services of the petitioner, who was appointed from the reserved category, i.e. 'Kawar' Scheduled Tribe, were protected vide judgment dated 12-4-2017 delivered by the Division Bench of this Court in Writ Petition No.295 of 2017. The directions issued in the said judgment read as under :

“i) The petitioner be reinstated on the post of Assistant Teacher by respondent No.2 within a period of four weeks from today in the post reserved for O.B.C. Category.

ii) The petitioner would not be entitled for any back wages for the period from 30.03.2005 till her reinstatement. She would, however, be entitled to continuity in service for all other purposes including pensionary benefits.

iii) The petitioner shall file an undertaking within a period of four weeks from today that neither she nor her progeny will claim benefits of Kavar Scheduled Tribe.”

3. It appears that the issue as to whether the candidates whose services were protected by virtue of the Court order can be made to suffer in case they have failed to produce the validity certificate, fell for consideration in Writ Petition No.903 of 2020 (*Raja Tukaram Shinde Versus The State of Maharashtra and another*) with connected writ petitions, decided by the Division Bench of this Court at Aurangabad on 4-5-2021. The Division Bench of this Court at Aurangabad while pronouncing the judgment in the said writ petitions has made an observation that the provisions of the Government Resolution dated 21-12-2019 shall not affect the services of the candidates, like the petitioner herein, in view of the protection granted by this Court in Writ Petition No.295 of 2017 by virtue of a judgment delivered on 12-4-2017.

4. In the backdrop of the aforesaid judgments passed by the Division Bench of this Court, the learned counsel for the petitioner agrees to the proposal of the respondent-employer that the petitioner can be reinstated and such reinstatement shall be given effect to from 2-3-2020. The statement to that effect made by the learned counsel for the respondent-employer is accepted so also the statement made by the learned counsel for the petitioner, on instructions, that the petitioner shall be in agreement with the said statement. The fact that the petitioner shall not be claiming any back wages prior to the

aforesaid date is also taken on record and accepted as an undertaking to this Court.

5. As far as the date of reinstatement giving weightage *qua* the date of reinstatement dated 2-3-2020 is concerned, the petitioner shall be held entitled for all the monetary benefits and such benefits shall be processed by the respondent-employer and it shall be ensured that the petitioner is paid back wages within a period of four months from today. Needless to clarify, but for monetary claim, the petitioner shall be entitled for continuity of service for all practical purposes.

6. The petition shall stand allowed and disposed of in the aforesaid terms. There shall be no order as to costs.

Sd/-
(ABHAY J. MANTRI, J.)

Sd/-
(NITIN W. SAMBRE, J.)

The date '2-2-2020' appearing in Paragraph Nos.4 and 5 of this order is corrected as '2-3-2020' by the order passed in Civil Application (CAW) No.1764 of 2024 on 10-7-2024.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)