



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 932 OF 2025
IN RAST/155/2025

AVINASH TULSHIRAM PAWAR

VERSUS

SHISHUVIHAR SHAISHANIK SANSTHA THROUGH PRESIDENT
SECRETARY SATYAJIT SUBHASH PURNAPATRE AND OTHERS

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Advocate for Applicant : Mr. Surendra V. Suryawanshi
AGP for Respondent Nos. 3 to 5 : Mr. R. K. Ingole

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CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 23.01.2025

PER COURT :

. The applicant who has filed this Civil Application seeking condonation of delay in preferring the Review Application, is the original respondent No. 4 in the Writ Petition. The delay is condoned.

2. The learned advocate for the applicant submits that relying on the order under review even his salary for the future period has been stopped, as a ground for seeking the review.

3. The petitioner was not getting the salary. He had submitted a representation to the Education Officer who was not

paying heed thereto. He filed Writ Petition No. 1398 of 2021. By the order dated 01.04.2022, the Education Officer was directed to consider the petitioner's grievance and to issue necessary instructions to the management on the merits of the grievance. It appears that still the Education Officer was not doing anything and after the applicant preferred Contempt Petition No. 412 of 2022, he seems to have conducted a hearing and by the communication dated 04.08.2022 calculated the arrears and held the applicant entitled to receive it. He also directed the management to share the burden for the period the post was on non-grant basis.

4. Aggrieved by such calculation, the management preferred the Writ Petition in which the order under review was passed with the following prayer:-

A. By a writ of certiorari or any other appropriate writ or order or directions in the like nature, the impugned letter and order dated 04.08.2022 passed by the Education Officer may kindly be quashed and set aside.

5. By the order under review, for the reasons recorded therein, we disposed of the Writ Petition with following operative part :-

i. The impugned order is confirmed with following modifications:

(a) Respondent No. 4 shall receive arrears of salary from 07.12.2017 to 07.12.2020, which shall be disbursed to him from the amount already deposited by the petitioners in the High Court.

(b) Respondent No. 3 – Education Officer, shall calculate the above arrears within three weeks and submit the report to the office of this Court and thereafter, further payment shall be made.

(c) After disbursing the amount to respondent No. 4, the balance amount, if any, shall be refunded to the petitioners.

(d) In case, some more amount than Rs. 10 Lakhs is found to be payable to respondent No. 4, then the amount deposited in the High Court with accrued interest shall be disbursed to the respondent No. 4 and balance amount shall be paid by the petitioners to the respondent No. 4 within a period of four weeks from the receipt of the report of the Education Officer else it shall carry simple interest @ 6% per annum till realization.

ii. The Writ Petition is disposed of in above terms.

6. It is now being submitted that resorting to this order the management has stopped salary to the petitioner payable for the future period in spite of having discharged the duties.

7. *Ex facie*, extant grievance of the petitioner would give rise to a fresh and independent cause of action which was not the subject matter of the order passed by the Education Officer which was under challenge in the Writ Petition, nor has our order any consideration in respect of the petitioner's right to receive the salary for the future period.

8. We had merely restricted the recoveries to be made in respect of the arrears to a period of 3 years in the light of judgment of Supreme Court in the matter of *Union of India and Others Versus Tarsem Singh, (2008) 8 SCC 648*. The order does not depict any formal defect or error apparent on the face of the record or any other sufficient cause to enable us to undertake the review.

9. The Review Application is rejected.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

jhs/