



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

923 WRIT PETITION NO. 10814 OF 2023

NAMDEV CHANDOBA BANSODE

VERSUS

SANMITRA EDUCATION SOCIETY AND OTHERS

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Advocate for the Petitioner : Mr. Rodge Krishna Pratap
Advocate for Respondent No.2 and 3 : Mr. Mundhe Sanjay V

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 11.12.2025

PER COURT :

. Heard learned counsel for respective sides.

2. By way of present petition, the petitioner is challenging the order dated 08.08.2019 passed by the respondent No.5/Regional Deputy Commissioner, Social Welfare Department, Latur in Appeal No.02 of 2019 and dismissal order dated 15.11.2010 passed by the respondent No.1/Management.

3. The learned counsel for the petitioner submits that the petitioner was working as an Assistant Teacher in the school viz. Minatai Thakre Prathmik Ashram Shala, Loni. In the year 2010, a girl student lodged a complaint of sexual assault against him in pursuance of which F.I.R No. 61 of 2010 was lodged against him under Sections 376(2)(C)(F), 366-A read with Section 506 of I.P.C. On the ground that serious allegations were levelled against the petitioner, Management dismissed him from service vide its order dated 15.11.2010 and from that date he was out

of service.

4. After full fledged trial learned Additional Sessions Judge vide its order dated 07.08.2018 acquitted the petitioner from all the charges and therefore, after being acquitted, he filed an application before the management for reinstatement, but the management refused to reinstate him. Therefore, he filed an appeal before Regional Deputy Commissioner, Social Welfare Department, Latur wherein he contended that he was dismissed from service without conducting an enquiry and without giving him an opportunity of hearing. The Regional Deputy Director while considering the appeal held that the petitioner was dismissed from service on 15.11.2010 and there was delay of 08 years 5 months and 6 days in the filing of appeal and therefore, on the ground of delay, the appeal came to be dismissed.

5. As far as delay point is concerned, admittedly the petitioner was dismissed from service on 15.11.2010 and the appeal was filed on 26.03.2019, the petitioner had not challenged the dismissal order but the same was filed after he was acquitted from all the charges. The said appeal was filed only on the ground that he was acquitted from the criminal charges.

6. The Hon'ble Apex Court in a catena of judgments has held that only because the employee has been acquitted from criminal charges can not be a sole ground to reinstate him in a service. The matter was decided by the appellate court on the ground that delay was not properly explained, but it needs to be considered here that the

petitioner had worked as Assistant Teacher and there were serious allegations made against him by the girl student for which he was prosecuted for an offence punishable under Sections 376(2)(C)(F), 366-A read with Section 506 of I.P.C. Therefore, though the petitioner was acquitted from the criminal charges, it can not be sole ground to reinstate him in services.

7. Though this matter pertains to only to condonation of delay, but considering the serious allegations which were made against the petitioner, I am not inclined to entertain the present petition.

8. In view thereof, the Writ Petition is dismissed. No order as to costs.

(SIDDHESHWAR S. THOMBRE, J.)

vsj..