

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1456 OF 2021

Shri Appa Bhimrao Pol]
Age 63 years, Occ. Retired,]
R/o. Devapur, Tal. Man, District Satara.] ... Petitioner

Versus

1. The State of Maharashtra]
2. The Deputy Director of Education]
(Secondary), Pune Region, Pune.]
3. The Education Officer (Secondary)]
Satara Zilla Parishad, Satara.]
4. Rayat Shikshan Sanstha,]
Through its Chairman / Secretary,]
Having Office at – Karmveer Samadhi]
Parisar, Satara, District Satara.]
5. The Headmaster,]
Shri Shambhu Mahadev Vidyalaya,]
Kukkadwad, Tal. Man, District Satara.] ... Respondents

*Mr. Mohan M. Chavan i/b. Mr. Rajaram V. Bansode for the Petitioner.
Mr. S.B. Kalel, A.G.P for the Respondent Nos.1 to 3-State.*

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 17th November 2025.

ORAL ORDER (Per : Ajit B. Kadethankar, J.)

1. Heard Mr. Chavan, learned counsel for the Petitioner and Mr. Kalel, learned A.G.P. for the Respondent Nos.1 to 3-State.
2. It is undisputed that the Petitioner was appointed as 'Assistant Teacher' in the Respondent No.5-School, i.e. running by the Respondent No.4-Management. The Petitioner contends that after due process he was appointed on the post of Assistant Teacher on 20th September 1984.
3. Mr. Chavan, learned counsel for the Petitioner would submit that on 31st December 2015 i.e. just before his superannuation, the Petitioner was served with a Charge-sheet, which culminated into a Departmental Enquiry, resulting into termination of his services.
4. The Petitioner challenged the termination order, findings of the Disciplinary Authority and the conduct of enquiry vide Appeal No. 49 of 2015, under Section 9 of The Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 [for short, "**MEPS Act**"] before the learned School Tribunal, Kolhapur.
5. Upon hearing the parties the learned Proceeding Officer of the School Tribunal, Kolhapur partly allowed the Appeal vide Judgment and Order dated 25th February 2016. The termination dated 6th October 2015 was quashed and set-aside.

5.1 In view of the fact that the Petitioner was superannuated already, the prayer for reinstatement was rejected. So far as back wages are concerned, the learned Tribunal rejected such claim. However, the Respondents therein were directed to give pensionary benefits to the Petitioner by treating his last pay as on 31st December 2015 without any continuity for the purpose of monetary benefits.

6. The Respondent Nos.4 & 5, i.e. Management & School, challenged the Judgment and Order passed by the learned School Tribunal vide Writ Petition No. 4903 of 2016. It is a matter of record that this Court vide its Judgment and Order dated 7th September 2016 allowed the Writ Petition in toto quashing the Judgment and Order passed by the learned School Tribunal. The Appeal filed by the Petitioner in learned Tribunal was declared to be dismissed.

7. The Petitioner approached the Hon'ble Supreme Court vide Special Leave Appeal (C) No. 35751 of 2016. It reveals from the order dated 11th January 2017 passed by the Hon'ble Supreme Court that the Petitioner opted to withdraw the proceedings in the Hon'ble Supreme Court.

8. Subsequently, the Petitioner filed Review Petition (L.) No. 10672 of 2017 in Writ Petition No. 4903 of 2016 before the learned Single Judge of this Court. The recital of order dated 19th June 2019 passed by the learned Single Judge of this Court in Review proceedings would reveal

that the Review Petition was held to be a misconceived one and was dismissed with a cost of Rs.10,000/-.

9. It is on the backdrop of these facts, the Petitioner has presented this Writ Petition with following prayers, which read as follows :

- “a. This Hon'ble Court be pleased to exercise the jurisdiction vested in it under Article 226 of the Constitution of India and issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, Order and directions, directing Respondents Nos. 4 and 5 to submit the Petitioner's Pension proposal and, further direct Respondent Nos. 1 to 3 to sanction and grant the same by considering the qualifying service of the Petitioner rendered on the post of (full-time) permanent Assistant Teacher.*
- b. This Hon'ble Court be pleased to exercise powers vested in it under Article 226 of the Constitution of India and issue a writ of Mandamus and/or Writ in the nature of Mandamus or any Order and/or direction directing Respondent Nos. 1 to 3 to grant the Petitioner, the arrears of Pension of other Retirement benefits and/or other financial benefits with interest.*
- c. Interim-Ad-interim relief in terms of prayer clause (b) & (d) above be granted in the interest of justice.*
- d. Cost of the Petition may be provided for the Petitioner;*
- e. Such other orders be passed and reliefs be granted in favour of the petitioner as this Hon'ble High Court may deem just, legal and proper.”*

10. Considering the facts stated above which are undisputed and as a matter of record, the present Writ Petition involves an issue as to “whether the Petitioner is entitled for any pensionary benefit or not”.

11. Considering the fact in totality, we deem it appropriate to direct the Respondent Nos.4 & 5, i.e. School and Management, to prepare a pension proposal of the Petitioner and submit the same to the Respondent No.3 within eight weeks from today.

12. The Respondent No.3 on receipt of such proposal will take appropriate decision within a period of 16 weeks thereafter on its own merits.

13. Needless to mention that the Respondent No.3 would consider entitlement of the Petitioner for pensionary benefits by testing the proposal on the law governing the Pensionary Rules for the employees of private schools, keeping in mind the difference between ‘dismissal from service’ and ‘termination of service’, while taking appropriate decision on the pension proposal of the Petitioner.

14. The Respondent Nos.4 & 5 shall cooperate the Respondent No.3 by providing every document and record pertaining to the Petitioner’s service for the purpose of adjudication of the pension proposal.

15. The Respondent No.3, if needed, shall give an opportunity of hearing to the Petitioner. The Petitioner shall co-operate the R.No. 3 for

adjudication of his claim keeping reliance only upon documents pertaining to his service, and not otherwise.

16. Needless to mention, we have not commented upon merits of the case as also entitlement of the Petitioner to receive any pensionary benefits.

17. Keeping all contentions open, the Writ Petition stands disposed of in above terms.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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