

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3187 OF 2020

Sachin Gangadhar Kotane

...Petitioner

Versus

The State Of Maharashtra & Ors.

...Respondents

WITH

WRIT PETITION NO.3388 OF 2022

Vilas S/o Baburao Sutar & Ors.

...Petitioners

Versus

The State Of Maharashtra & Ors.

...Respondents

WITH

WRIT PETITION STAMP NO.27983 OF 2019

Late Venkayya Guttedar Krida And Shikshan

Prasarak Mandal Yatanal & Anr.

...Petitioners

Versus

The State Of Maharashtra & Ors.

...Respondents

Mr. Dilip Bodake, for the Petitioner in WP/3187/2020 & for Respondent in WPST/27983/2019.

Mr. Shailendra Kanetkar, for the Petitioners in WPST/27983/2019 & for Respondent in WP/3388/2022.

Mr. A. S. Avhad h/f S. R. Kedar, for the Petitioners in WP/3388/2022.

Mr. S. P. Kamble, AGP for Respondent Nos.1 to 3 – State in WP/3187/2020.

Mr. V. M. Mali, AGP for Respondent Nos.1 to 3 – State in WPST/27983/2019.

Ms. D. S. Deshmukh, AGP for Respondent Nos.1 to 3 – State in WP/3388/2022.

**CORAM : NITIN W. SAMBRE &
ASHWIN D. BHOBE, JJ.**

DATE : 24th JANUARY, 2025

P. C.

1. As far as Petitioner in Writ Petition No.3187 of 2020 is concerned, he claims to be a non-teaching employee of the Petitioner management in Writ Petition Stamp No.27983 of 2019. The services of the said employee were terminated on 13th July, 2018 and it appears that the School Tribunal allowed the Appeal against the order of termination issued in favour of said employee. The order of the Tribunal setting aside the termination of the employee was questioned before the learned Single Judge in Writ Petition No.4028 of 2022 by the management, whereas the employee also preferred counter Petition being Writ Petition No.7788 of 2023, in which matters the Rule is already granted. The learned Single Judge has stayed the order of the Tribunal. As a sequel of which the termination effected on 13th July, 2018 is revived.

2. However, the Petitioner in the interregnum approached before the Education Officer seeking reliefs of payment of backwages, which he initially tried to agitate in Writ Petition No.2750 of 2017 decided on 5th April, 2019. Pursuant to the directions issued by the High Court in the said Petition, the Education Officer has passed the impugned order dated 19th August, 2019, thereby directing payment of backwages to the employee with effect from 1st December, 2007 to 12th July, 2018.

3. In the Writ Petition No.3187 of 2020, the prayer is for issuance of directions to the Respondent to release the salary/backwages, whereas the order of the Education Officer directing the payment of backwages referred above is questioned in Writ Petition Stamp No.27983 of 2019.

4. Mr. Shailendra Kanekar, learned counsel appearing for the Petitioner in Petition preferred by the management being Writ Petition Stamp No.27983 of 2019 would invite our attention to the factual matrix, the evidence so as to demonstrate that the Petitioner has acknowledged the payment of salary for the said period and denial of opportunity to the Petitioner by the Education Officer. As against above, Mr. Dilip Bodake, learned counsel appearing for the employee in Writ Petition No.3187 of 2020 would urge that the payments were to be deposited in the bank accounts of the employee which was not honoured. The acknowledgments were obtained under coercion.

5. As far as the aforesaid issue canvassed by the Petitioner employee is concerned, it was for the Education Officer to delve on the said issue. Apart from above, the Education Officer should have taken into account the material which was placed on record before him by the management justifying the claim for payment of the salary.

6. Since the order impugned is non-speaking order and the

material placed by either of the parties are not dealt with in the impugned order passed by the Education Officer, we deem it appropriate to quash and set aside the said order dated 19th August, 2019 for which the hearing was conducted on 4th June, 2019.

7. We as such permit the parties to the Petition to appear before the Education Officer along with written notes and all the evidence justifying their rival claims as regards payments made to the employee for the period from 1st December, 2007 to 12th July, 2018 by 28th February, 2025.

8. Once the said pleadings are completed, the Education Officer after granting hearing to the respective parties shall communicate a reasoned order to the employee, so also, to the management in any case by 30th April, 2025.

9. We make it clear that both the Petitioners viz. the employee and management has assured us that they shall not be seeking any adjournment and shall be completing their respective pleadings by 28th February, 2025. This statement is taken on record.

10. As such, both these Petitions are partly allowed in above terms.

11. Needless to clarify that the audit report, if any, of the respective years be produced by the management before the

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Education Officer on or before 28th February, 2025.

12. The aforesaid order shall also govern the claim of the Petitioners in Writ Petition No.3388 of 2020. As such, the said Petition also stands disposed of.

[ASHWIN D. BHOBE, J.]

[NITIN W. SAMBRE, J.]