

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

WRIT PETITION NO. 3511 OF 2015

Shri Dattatraya Beera Jugale ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 7227 OF 2016**

Shri Shivaji Gangadhar Sarnaik ... Petitioner
versus
The State of Maharashtra and Others ... Respondents

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Mr.Narendra V. Bandiwadekar, Senior Advocate a/w. Mr.Vinayak R. Kumbhar, Mr.Rajendra B. Khaire and Mr. Aniket S. Phapale i/b. Mr.Sagar A. Mane for the Petitioner in both the Petitions.

Mr.K.S.Thorat, 'B' Panel Counsel for Respondent Nos.1 to 4- State in WP No. 3511 of 2015.

Ms.P.N.Diwan, AGP for Respondent Nos. 1 to 4-State in WP No. 7227 of 2016.

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**CORAM : RAVINDRA V. GHUGE &
M. M. SATHAYE, JJ.**

DATE : 09th JUNE, 2025

P.C.:-

1. We have perused the order passed by this Court [Coram: Nitin Jamdar (as His Lordship then was) and M.M.Sathaye, JJ.] dated 21st June, 2024. Paragraph 7 of the said order indicates the conclusion drawn by this Court. For clarity, paragraph 7 is reproduced hereunder:

“7. That being the position, we are of the opinion that the factual position placed on record by the State merits positive consideration of treating the period during which Petitioners could not join the duties due to villagers’ agitation as on duty so that the Petitioners get pensionary benefits and other emoluments. The Secretary of the Education Department will have to take this decision. The Secretary of the School Education Department will take the necessary decision in that regard within eight weeks, keeping in mind the observations made in this order that the situation was beyond the control of both the Petitioners and they had shown their willingness to work during the said period. The decision taken by the Secretary would be placed on record by way of an affidavit.

2. The grievance voiced by the learned Senior Advocate on behalf of the Petitioners is that the decision was to be taken by the Education Department, within eight weeks from the date of the said order. Even after the passage of almost ten months, no such decision has been taken.

3. In view of the above, we direct the concerned Secretary of the Education Department to consider the observations of this Court, as set out in paragraph 7 of the order reproduced above. It is made clear that the fact that the Petitioners were unable to join their duties due to the villagers’ agitation, should be considered positively, and accordingly, their pensionary benefits and other emoluments should be calculated. Let such decision be taken, on or before 15th July, 2025.

4. We make it clear that we would not be granting extension of time in the light of the peculiar facts recorded herein above.

5. With the above specific direction, **both these Writ Petitions are disposed off.**

(M. M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)