

Shailaja

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15552 OF 2022

Rajkumar Bharmu Banajwade	]	Petitioner
versus		
The State of Maharashtra through	]	
the Secretary, School Education	]	
and Sports Department and others	]	Respondents

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Mr. Sagar Mane a/w Mr. Rushikesh Jagdale, for Petitioner.

Ms. T.J. Kapre, A.G.P, for Respondent – State.

Mr. Satyajeet A. Rajeshirke (through V.C.) a/w Mr. Gautam R. Kulkarni a/w Mr. Rahul B. Vijaymane and Mr. Rahul S. Rane, for Respondent No.4.

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**CORAM : M.S. KARNIK &
AJIT B. KADETHANKAR, JJ.**

DATE : 20th NOVEMBER, 2025.

P.C:

1. Heard learned Counsel for the petitioner.

2. In our opinion, having regard to the nature of the reliefs claimed, which are essentially against the private Management, we expressed that the Writ Petition may not be maintainable.

3. In such view of the matter, learned Counsel for the petitioner, on instructions, seeks leave to withdraw this petition with liberty to take recourse to appropriate proceedings including filing of a civil suit in case the Management intends to recover the amounts from the petitioner.

4. It is submitted that the petitioner is retiring on 30th November, 2025.

5. We find that though the Management has given a show cause notice to the petitioner, the same is for recovery of amount of Rs.2,98,393/- from the petitioner.

6. In the present facts and circumstances, we have suggested that it would be appropriate if the petitioner is heard by the Management before any decision is taken fixing the liability on the petitioner. In our opinion, a fair opportunity needs to be given to the petitioner. Accordingly, we direct the Management to hear the petitioner and pass a fresh order. It is made clear that if the order is adverse to the interest of the petitioner, it would be open for the petitioner to take recourse to appropriate remedies including filing a suit.

7. This order we have passed in view of the fair stand taken by Mr. Rajeshirke, learned Counsel for respondent - Management so that the petitioner is not deprived of an opportunity of representing his case.

8. Mr. Rajeshirke further submits that the pension proposal of the petitioner, in any case, will be processed without prejudice to the outcome of the decision, as indicated above.

9. The petition is disposed of as withdrawn with liberty as prayed for.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]