

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.753 OF 2025**

Jitendra Ganpati Mane

....Petitioner

Versus

The State of Maharashtra & Ors.

....Respondents

Mr. Anilkumar M. (through video conferencing) a/w. Ms. Archana Gaikwad for the Petitioner.

Mr. P.P. Kakade, Addl. GP a/w. Mr. M.M. Pable, AGP for the State.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 10th MARCH, 2025

P.C. :-

1. Considering the order that we are passing, we have not issued notice to the Management.

2. The Petitioner had approached the School Tribunal vide Appeal No.16 of 2016, for challenging his oral termination by the Management on 17th January, 2016. By a judgment dated 20th November, 2017, the Tribunal dismissed the Appeal. The Petitioner approached the learned Single Judge Bench in Writ Petition No.141 of 2021. By a judgment dated 18th December, 2023, the Petition was allowed. The impugned judgment was set aside. The Appeal was allowed in terms of prayer clauses (a) and (b) set out in the Appeal,

by which the oral order of termination of Respondent No.3 was quashed and set aside. The Appellant was granted reinstatement in service with continuity and back wages. The prayer clause (b) does not indicate as to who should pay the back wages.

3. We called upon the learned Advocate for the Petitioner as to who was paying the salary, prior to the date of oral termination. The reply of the learned Advocate for the Petitioner is that nobody was paying him the salary. We, therefore, called upon him as to whether his service was approved. The answer is that there was no approval.

4. In this backdrop, a Petition was filed on 14th December, 2024 practically seeking the execution of the order of the learned Single Judge, dated 18th December, 2023 and that too, after the oral termination at the hands of the Management having been set aside. The service of the Petitioner yet to be approved. We have no reason to accept the contention of the Petitioner that the State Government should bear the financial burden of an illegal act of the Management, which is held responsible for orally terminating the Petitioner.

5. Insofar as the impugned order dated 9th October, 2024 passed by the Education Officer (Secondary), the same contains an observation of there being deficiencies in the proposal forwarded by the Management.

6. In view of the above, we find that the Education Officer Mr. Rajesaheb Londhe, after pointing out deficiencies to the Management, should have called upon the Management to rectify/cure the deficiencies. Instead he has rejected the proposal. This is a second identical order that we are quashing and setting aside today, having been passed by Mr. Rajesaheb Londhe.

7. In view of the above, **this Petition is disposed off**, with the following observations :

(a) the impugned order shall be treated as a notice to the Head Master for carrying out a revision in the proposal and for curing the defects/ deficiencies, within 45 days from today;

(b) the proposal shall be forwarded to the Education Officer after curing the defects;

(c) the Education Officer shall then consider the proposal on its own merits, within 45 days from the date of receipt of the proposal, and keeping in view that the Petitioner has been granted reinstatement in service with continuity and back

wages, after the illegal action of oral termination of the Management having been set aside by the learned Single Judge. In these circumstances, he would pass a reasoned order.

(d) if any of the stakeholders is aggrieved by the final decision of the Education Officer, liberty to avail of a remedy as is permissible in law.

8. The Petitioner shall serve a copy of this order, obtained from the official website of this Court, on Respondent Nos.4 and 5, by Speed Post/R.P.A.D.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)