

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

WRIT PETITION NO.10134 OF 2024

Shri Sant Tukaram Maharaj Sanstha,
Shrinagar, Rahatani and Anr. .. Petitioners

Vs.

The State of Maharashtra
Through The Secretary School
Education Department and Ors. .. Respondents

Mr. N. V. Bandiwadekar, Senior Advocate a/w Mr. B. S. Nayak,
Advocates for the Petitioners.

Mr. N. C. Walimbe, Addl.G.P a/w Mr. S. P. Kamble, AGP, for
Respondents-State.

Mr. Deepak R. More a/w Mr. Shivram A. Gawade, Advocates for
Respondent No. 2.

Mr. Pankaj S. Deolekar, Advocate for Respondent No. 3.

**CORAM : SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ**

DATE : 11TH AUGUST 2025.

P.C. :

The petitioners -Shri Sant Tukaram Maharaj Sanstha, Pune and Late Bhikoba Tambe Primary School, Chinchwad, Pune are aggrieved by the order dated 19th June 2024 passed by the Education Officer (Primary), Zilla Parishad, Pune.

2. The respondent no. 5 who was appointed as Assistant Teacher came to this Court on more than one occasion and directions were issued by this Court for payment of salary to him. Pursuant to one of the orders passed by this Court, the Education Officer (Primary) has passed the impugned order dated 19th June 2024 whereunder the petitioner-Sanstha is required to pay salary and other allowances to the respondent no. 5.

3. In the departmental inquiry conducted against the fifth respondent, namely, Shri Vasant Kisanrao Ghare, he was held to have committed misconduct and was terminated from service vide order dated 28th April 2014. In Appeal No.10 of 2024 filed under section 9(1) (a) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, the School Tribunal allowed the appeal by an order dated 9th March 2018 and the order of termination of the respondent no.5 was held illegal. The School Tribunal further held that the respondent no.5 was entitled for reinstatement in service with full back-wages and such benefits were to be paid to him by the respondent nos. 1 and 3 within one month. The order dated 9th March 2018 passed by the School Tribunal was challenged in Writ Petition No.8495 of 2017 which was admitted for hearing and an interim relief was granted in favour of the petitioner-Sanstha, but subject to deposit of the back-wages and consequential benefits accrued to the respondent no.5. As the petitioners did not deposit the amount of back-wages, the interim order stood vacated and the respondent no.5 was reinstated in service. In Contempt Petition No.459 of 2021, several contentions were raised on behalf the petitioner-Sanstha and, in the meantime, Writ Petition No.2079 of 2022 was filed seeking a direction to the State of Maharashtra to release fund for payment of back-wages to the respondent no.5. That writ petition was disposed of by an order dated 13th July 2022 and the Administrative Officer of the School Board was directed to process the salary bills submitted by the Management for payment of arrears of salary to the respondent no.5.

4. However, seeking review of order dated 13th July 2022, Review Petition No.6 of 2024 was filed and the said order came to be recalled. Finally, Writ Petition No.2079 of 2022 was disposed of on 5th March 2024 with a direction to the Education Officer (Primary) to consider the

salary bills for payment to the respondent no.5. Later on, Contempt Petition No.459 of 2021 was heard on 27th June 2024 and the Secretary of the School Management tendered an undertaking that the amount of arrears of salary payable to the respondent no.5 shall be deposited in six installments. In the aforementioned factual background, the petitioner-Sanstha seeks to challenge the order dated 19th June 2024 passed by the Education Officer (Primary).

5. The plea urged on behalf of the petitioner-Sanstha is that it is not liable to make payment of salary and other allowances to respondent no.5 for the period during which the post was vacant.

6. Mr. N. V. Bandiwadekar, the learned senior counsel for the petitioner-Sanstha has taken us through the orders passed in Writ Petition No. 2079 of 2022 and Review Petition No. 06 of 2024 to submit that the Education Officer (Primary) was under an obligation to process the salary bills pertaining to respondent no.5 and it is not the responsibility of the petitioner-Sanstha to make payment of salary and other allowances to the respondent no.5 for the disputed period. The learned senior counsel also referred to the order passed in Writ Petition No. 2161 of 2022 alongwith Writ Petition No. 2079 of 2022 and the orders passed by the contempt Court in Contempt Petition Nos. 459 of 2021 and 460 of 2021 to assail the order dated 19th June 2024.

7. In the order dated 19th June 2024, the Education Officer (Primary) narrated the history of this case and has held that there was deliberate delay on the part of the Management in sending the proposal. The Education Officer (Primary) further observed that the salary and other allowances of the respondent no.5 were required to be paid to him and the order passed by the School Tribunal in Appeal No. 10 of 2015 and Writ Petition No. 12362 of 2018 were to be implemented in time. On a glance at the orders passed by the writ Court

and the contempt Court, we gather that the direction issued by this Court was to the Education Officer (Primary) to process the salary bills of the respondent no.5. Such a direction issued to the Education Officer (Primary) shall not mean that the Education Officer (Primary) has to grant approval to the proposal for payment of salary to the respondent no.5, even if there is no obligation on the State to make payment. In fact, pursuant to the orders passed by this Court, the petitioner-Sanstha has made payment to the respondent no.5 and only after some observations made by the School Tribunal it came to this Court seeking a direction upon the State-respondent for payment to the respondent no.5. In our opinion, the writ petition on such grounds is not maintainable and liable to be dismissed. The petitioners are bound by the directions issued by this Court in the previous proceedings. Any order passed by the Court or an inferior Tribunal in a subsequent proceeding cannot be made the basis to re-open the concluded proceedings.

8. Writ Petition No. 10134 of 2024 is dismissed.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]