

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16782 OF 2024

Savitribai Phule Shikshan Prasarak
Mandal and anr.] *Petitioners*

: *Versus* :

Chandrakant Channappa Pawar] *Respondent*

Alongwith

WRIT PETITION NO. 16783 OF 2024

Savitribai Phule Shikshan Prasarak
Mandal and anr.] *Petitioners*

: *Versus* :

Amit Ashok Bhadule] *Respondent*

Alongwith

WRIT PETITION NO. 16784 OF 2024

Savitribai Phule Shikshan Prasarak
Mandal and anr.] *Petitioners*

: *Versus* :

Sachin Balasaheb Bole] *Respondent*

Alongwith

WRIT PETITION NO. 16785 OF 2024

Savitribai Phule Shikshan Prasarak
Mandal and anr.] *Petitioners*

: *Versus* :

Mahesh Dadaso Joshi

] *Respondent*

Alongwith

WRIT PETITION NO. 16786 OF 2024

Savitribai Phule Shikshan Prasarak
Mandal and anr.

] *Petitioners*

: *Versus* :

Mohsin Dastagir Tamboli

] *Respondent*

Mr. Vishwajeet Sawant, Senior Advocate *with Mr. Nitin Dhumal, for the Petitioners.*

Mr. Suresh Pakale, Senior Advocate *a/w. Mr. Nilesh Desai, for the Respondents in Wps-16782 to 16785/2024.*

CORAM : SANDEEP V. MARNE, J.

Dated : 24 April 2025.

P.C. :

1) These petitions are filed by the Petitioner-Management setting up a challenge to the common judgment and order dated 19 July 2024 passed by the Presiding Officer, Savitribai Phule, Pune, Shivaji and Solapur University and College Tribunal, Pune, University Campus, Pune-7 (**College Tribunal**) in Appeals preferred by the Respondents challenging orders terminating them from services. The College Tribunal has allowed the Appeals preferred by the Respondents and has set aside the orders dated 26 June 2020 passed by the Petitioner-Management terminating their services. The College Tribunal has

directed reinstatement of services of all the five Respondents. The College Tribunal has also held four out of the five Respondents to be entitled to backwages. However, in respect of the said four Respondents, some deductions are directed to be made from the amount of backwages on account of gainful employment of those Respondents in respect of some period. In respect of the Respondent in Writ Petition No.16786/2024 (*Mohsin Dastagir Tamboli*), the School Tribunal has merely directed his reinstatement and no backwages are awarded to him. The College Tribunal has also awarded costs of Rs.10,000/- to each of the five Respondents.

2) I have heard Mr. Sawant, the learned Senior Advocate appearing for the Petitioner-Management and Mr. Pakale, the learned counsel appearing for the Respondents in WP-16782/2024, 16783/2024, 16784/2024 and 16785/2024. None has appeared on behalf of the Respondent in Writ Petition No.16786/2024. Considering the nature of order that I propose to pass, it is not necessary to service Respondent in Writ Petition No.16786/2024 with notice.

3) Respondents were appointed on the post of Assistant Professor (Mechanical) by the Petitioner-Management which runs an Engineering College with Mechanical Engineering Department. All India Council for Technical Education (AICTE) had granted approval for starting five degree courses in Mechanical Engineering, Civil Engineering, Electronics and Telecommunication, Computer Science & Engineering and Electrical Engineering from the academic year 2010-11 with intake capacity of 60 for each branch. The intake capacity increased over the period of years in respect of Mechanical Engineering Department. It appears that from the academic year 2013-14, the total intake capacity as approved by AICTE rose to 180 + 120 (*second shift*), i.e. total 300. Based on the increased intake capacity, the Petitioner-

Management appointed the Respondents initially on temporary basis on consolidated salaries. Gradually, there was lesser demand of students for Mechanical Engineering branch and it is the case of the Petitioner-Management that the intake capacity of Mechanical Engineering branch got reduced from 300 to 180. On account of reduction of the intake capacity, the Petitioner-Management was unable to pay salaries to the Respondents and accordingly decided to terminate their services by notices dated 26 June 2020. The College Tribunal has relied upon AICTE instructions, under which it was directed that downsizing of teacher faculty due to revision of student ratio shall not result in termination of services of any teaching staff and that the downsizing of faculty would only be done on superannuation/resignation of the staff. The College Tribunal has refused to believe the story of the Petitioner-Management that the termination of services of the Respondents was owing to reduction of intake capacity. I do not find any element of perversity in the findings recorded by the College Tribunal holding that termination orders dated 26 June 2020 are illegal. The College Tribunal has rightly set aside the termination orders with further directions for reinstatement of the Respondents. Mr. Sawant fairly submits that the Petitioner-Management is willing to reinstate the Respondents from 1 June 2025. This solves the issue of illegal termination and direction for reinstatement.

4) Next issue for consideration is whether Respondents are entitled to backwages as a result of setting aside their terminations? As observed above, the School Tribunal has not awarded any backwages to the Respondent in Writ Petition No.16786/2024 (*Mohsin Dastagir Tamboly*) on account of his failure to file affidavit of absence of gainful employment. Therefore, there is no question of payment of any

backwages to Mohsin Dastagir Tamboloy and he would be entitled to only the relief of reinstatement.

5) So far as the other four Respondents are concerned, (*Chandrakant Channappa Pawar, Amit Ashok Bhadule, Sachin Balasaheb Bole and Mahesh Dadaso Joshi*) some deductions are directed to be ordered by the College Tribunal. To illustrate, in respect of the Respondent-Chandrakant Channappa Pawar, the Tribunal has directed deduction of amount of Rs.5,02,000/- towards wages earned by him through private job from November 2021 to 13 April 2024. In respect of the Respondent-Mahesh Dadaso Joshi, no backwages are awarded from 6 July 2022 to 31 July 2023. In respect of Respondent-Amit Ashok Bhadule, he has been awarded full backwages on account of absence of any gainful employment. In respect of Respondent-Sachin Balasaheb Bole, deduction of amount of Rs.3,62,000/- is ordered on account of his gainful employment for some time.

6) There is no denial to the fact that there is reduction in the number of admissions in the Mechanical Engineering branch of the Petitioner-College. It is an unaided College depending fully on the fees received from the students. Therefore, though termination of employment of Respondents is found to be illegal, directing payment of full backwages would put huge financial burden on the Petitioner-Management. In my view, therefore award of lumpsum compensation of Rs.10,00,000/- each to the four Respondents, who were directed to be paid backwages, would meet the ends of justice. Award of such lumpsum compensation would ensure that the four Respondents are compensated for their illegal terminations to some extent and at the same time, the Petitioner-Management is relieved of financial burden and is able to survive. So far as Respondent-Mohsin Dastagir Tamboly is concerned, he is not awarded any backwages and he has not

challenged the order of the College Tribunal. Therefore, no compensation is payable to the said Respondent.

7) The Writ Petition Nos. 16782/2024, 16783/2024, 16784/2024 and 16785/2024 succeed partly and I proceed to pass the following order :

- (i) Judgment and order dated 19 July 2024 passed by the College Tribunal is upheld to the extent of direction for setting aside the termination order, as well as direction for reinstatement.
- (ii) Petitioner-Management shall accordingly reinstate the Respondents (*Chandrakant Channappa Pawar, Amit Ashok Bhadule, Sachin Balasaheb Bole and Mahesh Dadaso Joshi*) in service from 2 June 2025. However, the entire period from 26 June 2020 shall be treated as continuous for all other purposes, except for backwages.
- (iii) The Respondents (*Chandrakant Channappa Pawar, Amit Ashok Bhadule, Sachin Balasaheb Bole and Mahesh Dadaso Joshi*) shall be entitled to lumpsum compensation of Rs.10,00,000/- each in lieu of backwages and any other consequential benefits arising out of termination of their services. The amount of lumpsum compensation shall be paid to the concerned Respondents by way of Demand Drafts on/or before 30 June 2025.
- (iv) The Respondent in Writ Petition No.16786/2024 (*Mohsin Dastagir Tamboly*) shall not be entitled to any compensation. Order passed by the College Tribunal in his case is not disturbed. If interested, he can join the services of the Petitioner Management.

8) With the above directions, WP-16782/2024, 16783/2024, 16784/2024 and 16785/2024 are **partly allowed and disposed of**. Writ Petition No.16786/2024 is **disposed of**.

[SANDEEP V. MARNE, J.]