



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 5619 OF 2021

PETITIONER:

Ku. Mangala Lanjewar,
Aged about : 54 years,
Occ. Service, R/o ZP Road,
Camp Amravati.

V E R S U S

RESPONDENTS :

1. The Education Officer (Secondary),
Zilla Parishad, Amravati,
Panchayat Samiti, Bhatkuli Parisar,
Camp, Amravati.
2. Vidarbha Education Society,
C/o Advocate Smt. R. P. Tajne,
Kishore Nagar, Amravati,
Tq. and Dist. Amravati,
Through its Chairman.
3. Mahind Vidyalaya Chaprasipura,
Amravati, Tq. and Dist. Amravati,
Through its Headmaster.

Shri Rahul M. Bhangde, Advocate for petitioner.
Ms. M. H. Deshmukh, Assistant Government Pleader for respondent
No.1.

CORAM: ANIL S. KILOR AND
AJIT B. KADETHANKAR, JJ.
DATED : 25/08/2025.

ORAL JUDGMENT : (PER ANIL S. KILOR, J.)

1. **Rule.** Rule made returnable forthwith. Heard finally
with the consent of learned counsel appearing for the parties.

2. In the present writ petition, the challenge is raised to the order dated 05/02/2021 passed by respondent No.1 whereby he rejected the claim of back-wages made by the petitioner.

3. The brief facts of the present case are as follows :-

The petitioner was appointed on 12/07/1990 as an Assistant Teacher. Her appointment was approved w.e.f. 12/07/1990 until further orders vide order of approval dated 17/11/1990. Thereafter, petitioner was terminated from the service vide order of termination dated 08/06/1996. As such, termination order was subject matter of challenge in Appeal No.69/1996 before the School Tribunal, Amravati Division, Amravati. The learned Tribunal after hearing both parties and considering the material placed on record, allowed the appeal and thereby set aside the order of termination and directed reinstatement with continuity in service.

4. It is further directed that the Education Officer, Secondary, Zilla Parishad, Amravati shall consider the case of approval of the petitioner as per rules. The Tribunal, however, denied the back-wages which gave cause to the petitioner to approach to this Court by filing Writ Petition No.4804/2003.

5. The said writ petition was partly allowed and thereby, Clause 4 was declared as unsustainable in law and the same came to be deleted from the order of the Tribunal. However, as there was no discussion about the back-wages, a review petition was filed which came to be dismissed on 14/06/2016.

6. It is important to note that during the pendency of the writ petition, a joint compromise pursis came to be filed by the management and the petitioner. However, the pursis was not accepted and rejected by this Court.

7. Thereafter, Special Leave Petition came to be filed before the Hon'ble Apex Court, which came to be disposed of vide order dated 15/02/2019. In the order dated 15/02/2019, the Hon'ble Apex Court has observed that the joint pursis dated 20/01/2014 makes it clear that the back-wages are now to be claimed from respondent No.4 who is the Education Officer. The Hon'ble Supreme Court of India further observed that petitioner may make a representation to the said officer within a period of two weeks from the date of order and the said officer will decide the representation within a period of four weeks thereafter.

8. Accordingly, representation was made on 19/02/2019, which came to be rejected vide order dated 05/02/2021 issued by

the Education Officer (Secondary), Zilla Parishad, Amravati, the validity of which has been questioned in the present writ petition.

9. We have heard learned counsel for the respective parties.

10. Shri Rahul Bhangde, learned counsel for the petitioner has placed heavy reliance on the Government Resolution dated 14/03/1988. It is argued that after termination of the petitioner, on vacant post, no other employee was appointed and Government did not pay salary to any such employee in place of the petitioner and therefore, as per the Government Resolution, petitioner is entitled to receive salary of the period of termination from the Government.

11. It is argued that this important aspect of entitlement of the petitioner in view of the Government Resolution dated 14/03/1988 has not been considered by the Education Officer and for no justifiable reason, prayer of the petitioner for back-wages came to be rejected by the Education Officer.

12. It is argued that even in absence of Education Officer as party to the joint pursis, petitioner is entitled to receive back-wages as per the Government Resolution dated 14/03/1988.

13. On the other hand, learned AGP strongly opposed the application. She submits that the management and the petitioner compromised the matter and Education Officer was not party to the same. Therefore, pursis of compromise is not binding on Education Officer.

14. It is argued that the Government Resolution dated 14/03/1988 was not pointed out to the Hon'ble Supreme Court and it was not mentioned in the joint pursis. She, therefore, submits that the Education Officer has rightly rejected the representation made by the petitioner for back-wages.

15. In the light of rival submissions, we have perused the record and the impugned order. Having gone through the impugned order, it is evident that there is no mention of the Government Resolution dated 14/03/1988 on which the petitioner has placed heavy reliance.

16. It is further evident that the only reason stated in the impugned order is that the compromise was between the management and the petitioner and since the Education Officer was not party to such compromise, the same is not binding to the Education Officer. Further, the reason for denial of back-wages is that since during the period of termination, petitioner did not work.

17. In joint pursis wherein compromise between the management and the petitioner is recorded, there is specific mention of Government Resolution dated 14/03/1988. Similarly, a representation is made in pursuance of leave granted by the Hon'ble Supreme Court of India refers to joint pursis. Therefore, it cannot be said that before the Hon'ble Supreme Court of India as well as before the Education Officer, the Government Resolution was not pointed out.

18. In the circumstances, since the whole basis on which the petitioner is claiming back-wages has been ignored by the Education Officer, while deciding the representation, we are of the opinion that the matter needs to be remanded back to the Education Officer to take decision afresh considering the above referred observations and also the provisions of the Government Resolution dated 14/03/1988.

19. Accordingly, the writ petition is partly allowed.

20. The order impugned dated 05/02/2021 is hereby quashed and set aside and the matter be remanded back to the respondent No.1 - Education Officer (Secondary), Zilla Parishad, Amravati to take a decision afresh after considering the above referred observations.

21. The respondent No.1 - Education Officer (Secondary), Zilla Parishad, Amravati shall take decision within six months from the date of submission of the copy of this order.

[AJIT B. KADETHANKAR, J.]

[ANIL S. KILOR, J.]

Choulwar