



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 445 OF 2025

Lalitkumar s/o. Dashrath Hardule,
Aged about 42 years, Occ. – Service,
R/o. Vasi, Post Kadholi, Tah. Kurkheda,
District Gadchiroli.

... **PETITIONER**

...**VERSUS**...

1. The State of Maharashtra,
Through its Secretary,
Department of School Education
and Sport, Mantralaya, Mumbai – 32.
2. Chief Executive Officer,
Zilla Parishad Gadchiroli,
Tah. & District – Gadchiroli.
3. Education Officer (Primary),
Zilla Parishad, Gadchiroli,
Tah. & District Gadchiroli.

... **RESPONDENTS**

Mr. I. G. Meshram, Advocate for the Petitioner.
Mr. S. M. Ghodeswar, A.G.P. for Respondent No.1/State.
Mr. Rugved Dhore, Advocate h/f. Mr. A. W. Paunikar, Advocate for Respondent
Nos.2 and 3.

CORAM : NITIN W. SAMBRE AND
MRS. VRUSHALI V. JOSHI, JJ.

DATE : 07.05.2025

JUDGMENT (PER : MRS. VRUSHALI V. JOSHI, J.):-

1. **Rule.** Rule is made returnable forthwith. Heard finally by consent of learned counsel appearing for the parties.
2. The petitioner is challenging the termination of his services for not completing Diploma in Elementary Education till the cut-off date i.e. 31.03.2019.

3. The petitioner was appointed as an untrained teacher subject to condition of appointment order on the establishment of the respondent No.3 – Education Officer (Primary), Zilla Parishad, Gadchiroli. On 09.02.2016, the Government Resolution was passed in view of the Right of Children to Free and Compulsory Education Act, 2009. As per Rule 16, it was the requirement to appoint trained teachers and time limit was given to complete the training for untrained teachers, who were already in service. The limitation prescribed in the said Government Resolution was till 28.02.2019. The petitioner has passed required Diploma in Education Examination held in June-2019. The institution has not conducted the examination in February-2019, therefore, the present petitioner has passed the examination on 28.08.2019. Without giving any opportunity of hearing, the respondent No.3 has passed the order and terminated the services of the petitioner for not acquiring the required Diploma within the period of cut-off date.

4. The learned Counsel for the petitioner has stated that the matter is covered by the judgment of this Court. This Court has passed the order in *Writ Petition No.6726/2024 [Ramchandra s/o. Anandrao Tekam Vs. The State of Maharashtra and Ors.]*, wherein the Court has reinstated the petitioner with all consequential benefits.

5. The learned Counsel for the respondents has conceded that the matter is covered, but as per the judgment of the Hon'ble Apex Court in *Civil Appeal No.935/2023 [Yuvraj Fulsing Rathod Vs. The State of Maharashtra and Ors.]* decided on 06.02.2023, the continuity of service for all the purposes was granted but has not granted any wages for the period during which he was out of employment.

6. The petitioner has admittedly appeared for examination in June-2019 as the examination was not conducted in February – 2019. It was not within the domain of the petitioner.

7. In view of the judgment of Ramchandra s/o. Anandrao Tekam (*supra*), the petition is allowed.

8. The termination order of the petitioner dated 24.09.2024 is hereby quashed and set aside.

9. The petitioner can make representation for consequential benefits with respondent No.3 within a period of three weeks from the date of receipt of the order.

10. Rule is made absolute in the aforesaid terms.

(MRS. VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)