



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

WRIT PETITION NO. 720 OF 2025

Nasirullah S/o. Pirmohammad Pathan

Vs.

The State of Maharashtra, through Secretary & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. N.P. Pathan (in person).

Mr. Nitin Autkar, AGP for Respondent Nos.1, 2, 4 & 5.

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

DATE : 21st APRIL, 2025.

P.C.

1. Heard.

2. The petitioner was appointed on July 15, 1968 as Temporary Assistant Teacher. After having acquired requisite qualification on May 18, 1977, the petitioner was confirmed in service.

3. On the charges of misbehaviour, running coaching classes without permission, consistently remaining absent from the duty, the petitioner came to be terminated *vide* order dated July 30, 1983 based on the enquiry report dated July 23, 1983, which was accepted by the Management *vide* Resolution dated July 27, 1983.

4. It is the case of the petitioner that though his appeal before the School Tribunal was dismissed, considering the fact that he has rendered qualifying service from July 15, 1968 till the date of his termination i.e. July 30, 1983, he is entitled for the pensionary benefits. According to him, the reliance placed by the State Government thereby ordering forfeiture of past service

pursuant to Rule 45 of the Maharashtra Civil Services (Pension) Rules, 1982 will not be attracted as neither the petitioner was dismissed nor removed.

5. Issue notice to the respondents, returnable on 12th June, 2025.

6. Mr. Nitin Autkar, learned Assistant Government Pleader waives service of notice for the respondent Nos.1, 2, 4 and 5.

(VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

Vijay