



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 WRIT PETITION NO. 5320 OF 2022

Shram Sadhana Bombay Trust Ssbt College Of Engineering And
Technology And Another

VERSUS

Ashish Ramdas Bari And Others

WITH

CIVIL APPLICATION NO. 8576 OF 2025

IN

WRIT PETITION NO. 5320 OF 2022

Ashish Ramdas Bari

VERSUS

Shram Sadhana Bombay Trust SSBT College Of Engineering And
Technology And Ors

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Advocate for the Petitioner/Applicant : Mr. Barde Parag Vijay

AGP for Respondent-State: Mr. D. R. Korde

Advocate for Respondent Nos.3 & 4 : Mr. Dharurkar Chaitanya V.

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 27.04.2026

PER COURT :

1. Heard learned Advocates for the respective parties.
2. By the present petition, the Petitioners are aggrieved by the order dated 04.10.2021 passed by the learned Presiding Officer, University and College Tribunal, Aurangabad in Appeal No.02/2019, whereby the appeal filed by the respondent no.1 came to be allowed, thereby setting aside the termination order issued by petitioners and granting backwages from the date of termination.

3. Facts of the present case are as follows:-

3.1 The respondent no.1 appointed as Assistant Professor with petitioner-College on 15.09.2009 on a permanent post and since then he has been working with petitioners. On the pretext of having supported his relative Shri. Vijay Nagpure to contest a Court case against the petitioners, he was terminated on 30.09.2019 without any notice, enquiry or notice pay. Against such dismissal, respondent no.1 filed appeal before learned School Tribunal, whereby his appeal was allowed thereby reinstating him in service along with full backwages. Aggrieved by the same, the petitioners have filed present petition seeking to set aside order passed by learned School Tribunal.

4. The learned counsel for the petitioners submits that pursuant to the order of School Tribunal, respondent no.1 had joined the duty and afterwards resigned therefrom, therefore, petitioners do not seek relief in respect of order of reinstatement. He further submits that the learned School Tribunal has grossly erred in granting backwages to the respondent no.1 from the date of termination. He submits that the strength of the student of the college had reduced and therefore, no option was left with the petitioners other than to terminate the respondent no.1. The petitioners have followed the principle of “last come, first go” and paid compensation to the respondent no.1. Despite that, the learned School Tribunal has erroneously granted backwages to

the petitioners.

5. Per contra, the learned counsel for the respondent no.1 supports the order by contending that learned School Tribunal had framed issue no.1 that “*whether the directions issued by AICTE, prohibiting the downsizing teaching staff to maintain the revise the faculty-student ratio of 1:20 are binding on respondent nos.6 and 7 ?*”, which was answered in affirmative. The learned School Tribunal had also framed issue no.2 that “*whether the termination order dated 30.03.2019 passed by respondent nos.6 and 7 is illegal ?*”, the same was answered in affirmative. He submits that once the termination order was found illegal, the reinstatement granted by the learned School Tribunal is just and backwages follow automatically. In support of this contention, he relied upon the law laid down by the Hon’ble Apex Court in the case of ***Deepali Gundu Surwase Vs. Kranti Junior Adhyapak Mahavidyalaya (D.Ed.) and Ors.***, reported in MANU/SC/0942/2013.

6. Having considered the submissions of the respective counsel, it is clear that the petitioners have dropped the their prayer against order of reinstatement as the respondent no.1 had already resigned from the service, therefore, the impugned order in respect of reinstatement warrant no interference. Having gone through the order passed by the learned School Tribunal, it is clear that once the finding on issue no.2 regarding illegality of termination order was recorded in affirmative, it

ultimately warrants reinstatement of the employee. The Hon'ble Apex Court in *Deepali's* case (supra) has held that the wrongful termination of service, when quashed, warrants payment of back-wages.

7. At this juncture, it would be apposite to refer to the judgment of this Court in *Jijamata Shikshan Prasarak Mandal, Padoli (A) Taluka and District Osmanabad & Anr. Vs. Navnath s/o Maroti Sarpale & Ors. in Writ Petition No.10261 of 2023 dated 23.02.2026*, wherein it is held that once the termination is found illegal and reinstatement is granted, denial of back-wages cannot be mechanical. Upholding the above principle, the learned School Tribunal has rightly granted backwages to the respondent no.1 from the date of termination. Therefore, the impugned order with respect to grant of backwages warrants no interference under writ jurisdiction.

8. In view thereof, the present petition is dismissed. No order as to costs.

9. The amount deposited by the petitioners with this Court vide order dated 12.08.2025 is permitted to be withdrawn by the respondent no.1 alongwith interest accrued thereon.

[SIDDHESHWAR S. THOMBRE]
JUDGE