

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1178 OF 2021

Pushpa d/o. Narayan Parate @
Pushpa w/o. Suresh KitadikarPetitioner

Versus

The State of Maharashtra & Anr.Respondent

WITH

INTERIM APPLICATION NO.7238 OF 2024

IN

WRIT PETITION NO.1178 OF 2021

Mr. Abhishek P. Deshmukh for the Petitioner.

Mr. B.V. Samant, Addl. GP a/w. Ms. Pooja Joshi Deshpande, AGP
for Respondent No.1.

Mr. Akshay J. Kandarkar i/b. Mr. Rajesh S. Datar for Respondent
No.2.

CORAM : RAVINDRA V. GHUGE

&

HITEN S. VENEGAVKAR, JJ.

DATE : 5th MAY, 2026

P.C. :-

1. The Petitioner is a Teacher who was in service with Respondent No.2, Deccan Education Society, Pune. She assailed her termination before this Court. Considering Section 81 of the Maharashtra Public Universities Act, 2016, this Petition should have been filed before the learned University and College Tribunal for Mumbai University.

2. When this Petition was filed, the Presiding Officer of the University and College Tribunal was available at Mumbai. We could have relegated the Petitioner to the University and College Tribunal, but for the fact that the Tribunal is now vacant, and it is a matter of speculation as to when the Presiding Officer would be appointed. Hence, we are entertaining this Petition.

3. The learned Advocate for the Petitioner submits that the Petitioner has entered into settlement terms with the Education Society. The State is not a party to the settlement. A copy of the settlement terms (wrongly mentioned as ‘minutes of order’) dated 5th May, 2026, signed by the Petitioner, the Management and the learned Advocates for the parties, along with a communication from the Secretary of the Governing Body of Deccan Education Society, Pune, addressed to Advocate Mr. Neel Helekar, Trustee, DES (6 pages), is placed before us. The same is taken on record and marked as ‘X’ for identification.

4. The learned Advocate for the Petitioner submits that the State Government has issued a notification dated 14th February, 2024, advising the Education Society to reinstate the Petitioner on a supernumerary post, keeping in view that her claim of belonging to

the Halba Koshti Scheduled Tribe category has been invalidated by the competent Committee.

5. We do not desire to express any view on the terms of the settlement, as well as, the notification of the State.

6. The learned Addl. GP submits that since the State is not a party to the settlement between the Petitioner and the Institution, any monetary burden created by the terms of the settlement between the parties, directly or indirectly, is not acceptable to the State. The Petitioner was appointed on a post which was reserved for the Scheduled Tribe category and her claim for seeking a validity certificate has been rejected, and which has not been set aside by a Court. The learned Addl. GP further submits that since the post was reserved for a Scheduled Tribe category and the Petitioner does not have the validity certificate, the approval cannot be granted, and the State would not be paying the salary of the Petitioner. He relies upon a judgment delivered by the Hon'ble Supreme Court in *Chairman and Managing Director, Food Corporation of India and Ors. v/s. Jagdish Balaram Bahira and Ors.*¹

¹ 2017 AIR SC 3271

7. The learned Advocates for the Petitioner and the Education Society pray that this matter may be disposed off, as the two parties have come to settlement terms 'X'.

8. In view of the above joint request, **this Petition is disposed off. The pending Interim Application** would not survive and accordingly stands **disposed off**.

9. We make it clear that we have not gone into the merits of the terms of the settlement or the notification of the State Government.

(HITEN S. VENEGAVKAR, J.)

(RAVINDRA V. GHUGE, J.)