

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1169 OF 2025

WITH

INTERIM APPLICATION NO.2389 OF 2023

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Janardhan Pyarelal Dubey

....Petitioner

Versus

The State of Maharashtra & Ors.

....Respondents

...

Mr. Rakeshkumar P. Saroj, Advocate for the Petitioner.

Mr. Manish Upadhye, AGP for Respondent Nos.1 to 5-State.

Mr. Nitesh Bhutekar a/w. Mr. Aaditya Mahamiya, Advocates for Respondent Nos.6 and 7.

...

CORAM : RAVINDRA V. GHUGE

&

ABHAY J. MANTRI, JJ.

DATE : 24th MARCH, 2026

P.C.:

1. We have heard the learned Advocates for the respective sides. It is undisputed that the Petitioner is not held responsible for the reasons leading to the de-recognition of the institution. Legally, he is, therefore, entitled for being treated as being surplus and for absorption. Consequentially, the Petitioner's service is neither terminated nor is there any break, since he is not held responsible

for the de-recognition of the institution. The Petitioner was subsequently absorbed and he has superannuated on 31st January, 2019.

2. Our last order dated 18th March, 2026 has activated the State Department as well as the Management. The learned AGP tenders a compilation of three communications (4 pages) which are collectively marked as 'X-1' for identification. On 30th May, 2023, the Education Inspector addressed the management as regards certain deficiencies. The learned Advocate for the Petitioner has tendered a photostat copy of a communication dated 3rd July, 2023 addressed by the In-charge Head-Master of the School to the Education Inspector, communicating that all the deficiencies have been removed. The same is marked as 'X-2' for identification.

3. In view of the above, the path for granting approval to the proposal seeking condonation of a purported break in service of the Petitioner, is cleared in view of our observation that the service of the Petitioner can neither be treated as being terminated, nor there being any break in his service.

4. The learned AGP submits that in the light of the above observations, the approval to the pension proposal of the Petitioner would be granted, within 10 days. This statement is made on instructions from the Education Inspector.

5. Considering the above, we direct that the approval to the pension proposal and all claims of retirement dues, would be granted within 15 days from today. Thereafter, the regular payment of pension of the Petitioner would commence from the pension pay day in the month of May 2026. All retirement monetary benefits and arrears of pension would be paid to the Petitioner on or before 15th June, 2026.

6. If the issue of grant of senior pay scale of the post of Assistant Teacher was dependent on the issue of whether the Petitioner has suffered a break in service, in view of the above directions, the said issue would also be dealt with and settled by following the due procedure, within a period of 45 days from today. Arrears will be calculated on the basis of such pay scale if the Petitioner is entitled to.

7. With the above directions, **the Petition is disposed off.**
8. In view of the disposal of the Petition, the **Interim Application is also disposed off.**
9. List this disposed off Petition to record stage-wise compliance on **24th April, 2026** in the '**Urgent Supplementary Board**'.
10. We make it clear that if there is any default on the part of the State Authorities, we would consider the conduct of the concerned officer as being an act of disobedience and then would initiate strict action against the concerned officer.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)